



## TELEVISED

## FINAL AGENDA

FORREST C. SOTH CITY COUNCIL CHAMBER  
4755 SW GRIFFITH DRIVE  
BEAVERTON, OR 97005

REGULAR MEETING  
NOVEMBER 8, 2004  
6:30 p.m.

CALL TO ORDER:

ROLL CALL:

PRESENTATIONS:

04223 Presentation of Shields and Swearing In of Three Officers to the Beaverton Police Department

CITIZEN COMMUNICATIONS:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of Regular Meeting of November 1, 2004

04224 Liquor License Application: New Outlet – Beaverton Grocery Outlet

04225 Traffic Commission Issues No. TC 565-567

Contract Review Board:

04226 Design and Construction Engineering Services Contract Award – Summer Creek Sanitary Sewer Trunk Relocation Project

ORDINANCES:

Second Reading:

04217 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Known as Steele Park Located on the Eastside of SW 170<sup>th</sup> Avenue, Immediately South of Elmonica Elementary School; CPA 2004-0011/ZMA 2004-0011 (Ordinance No. 4327)

04218 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Peck Park/TVF&R Station 61 which is Nine Parcels Located Along SW Murray Blvd.; CPA 2004-0014/ZMA 2004-0014 (Ordinance No. 4328)

04219 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located at 12030 SW Center Street; CPA 2004-0015/ZMA 2004-0015 (Ordinance No. 4329)

**PUBLIC HEARINGS:**

04227 An Ordinance Amending Chapter 5 of the Beaverton Code to Add a New Section 5.16 Relating to Civil Rights (Ordinance No. 4330)

**ORDINANCES:**

**First Reading:**

04228 An Ordinance Amending Chapter 5 of the Beaverton Code to Add a New Section 5.16 Relating to Civil Rights (Ordinance No. 4330)

04229 An Ordinance Amending Provisions of Chapters Four and Five of the Beaverton City Code Relating to Nuisances Affecting the Public Health (Ordinance No. 4331)

04230 Design Review Update Project (TA 2003-0005) (Ordinance No. 4332)

**EXECUTIVE SESSION:**

In accordance with ORS 192.660 (1) (h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660 (1) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (1) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

**ADJOURNMENT**

This information is available in large print or audio tape upon request. In addition, assistive listening devices, sign language interpreters, or qualified bilingual interpreters will be made available at any public meeting or program with 72 hours advance notice. To request these services, please call 503-526-2222/voice TDD.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

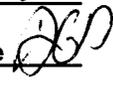
**SUBJECT:** Presentation of Shields and Swearing In of  
Three Officers to the Beaverton Police  
Department

**FOR AGENDA OF:** 11/08/04 **BILL NO:** 04223

**MAYOR'S APPROVAL:**



**DEPARTMENT OF ORIGIN:**

Police 

**DATE SUBMITTED:**

11/01/04

**PRESENTATION:** Presentation

**EXHIBITS:**

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$ 0	AMOUNT BUDGETED \$ 0	APPROPRIATION REQUIRED \$ 0
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**HISTORICAL PERSPECTIVE:**

The Beaverton Police Department is in the process of filling three officer positions that are vacant as a result of attrition. As part of the hiring process, these individuals are sworn in before the City Council during a brief ceremony.

**INFORMATION FOR CONSIDERATION:**

The department is pleased to swear in Daniel Frye, Douglas Jones, and Andrew Halbert.

**RECOMMENDED ACTION:**

City Council offer their support to the new officers through a presentation made during the City Council meeting.

## DRAFT

BEAVERTON CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 1, 2004

### CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, November 1, 2004, at 6:34 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Betty Bode, Dennis Doyle, Fred Ruby and Forrest Soth. Coun. Cathy Stanton was excused. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Deputy Chief Chris Gibson, Development Services Manager Steve Sparks, Principal Planner Hal Bergsma, Senior Planner Colin Cooper, Program Manager George Fetzer and Deputy City Recorder Catherine Jansen.

### CITIZEN COMMUNICATIONS:

Rev. Ja West, Beaverton, addressed the Council regarding her religious and political viewpoints.

Henry Kane, Beaverton, referred to the proposed Civil Rights Ordinance scheduled for public hearing on November 8, 2004. He said he hoped the City Attorney would talk to the City Council regarding legal issues he raised previously. He distributed copies of *Just Out*, to Council. He said there were pictures of men and women in the publication but a person could not tell if they were homosexual just by looking at them. He said he asked the City to produce documents which supported the findings of fact (in the ordinance) that there was a severe civil rights problem. He said the only information he received was a notice that there were four or five police reports regarding intimidation. He stated intimidation was not prohibited by the proposed ordinance; and if there was a problem, there were existing State laws that covered intimidation and harassment. He said if this ordinance went to court it would be difficult to substantiate the facts on which it was based.

Susan Cook, Beaverton, referred to the Code Design Review Update and the issue of grading. She said when she had spoken with engineers and other land developers; she was told the grading criteria were potentially hazardous. She said that was her main concern. She asked that Council question the appropriate experts in the area of grading. She noted there was a development on 170<sup>th</sup> Avenue and Weir that was in a steep area. She said because she lived on a steep slope, she was concerned that protections were in place for present and future residents. Mayor Drake thanked Ms. Cook and said her issue would be addressed during the work session later in the meeting.

Mayor Drake noted there were two boy scouts in the audience and asked them to introduce themselves.

Andrew Condron, Boy Scout Troop 870, and Don Carver, Boy Scout Troop 854, introduced themselves; both noted they were home schooled students and were working on their Community Badges.

#### COUNCIL ITEMS:

Coun. Soth said the League of Oregon Cities Annual Conference was this weekend in Portland at the Marriott Downtown and a number of Councilors were attending.

#### STAFF ITEMS:

There were none.

#### WORK SESSIONS:

##### 04212 Design Review Update Project (TA 2003-0005)

Development Services Manager Steven Sparks introduced Senior Planner Colin Cooper and Consultant John Spencer, Spencer & Kupper.

Sparks presented a Power Point slide presentation on the process and objectives used for the Design Review Update (in the record). He said the City's current design review criteria were vague and lacked clarity and objectivity. He said the goals of the Update were: to improve customer service by developing clear and objective design standards; to have an increased certainty about requirements and responsibilities for all involved in the process; to maintain the community's aesthetic quality of life; and to promote economic development through more efficient permitting procedures. He reviewed the work done by the Code Review Advisory Committee (CRAC) and the issues the Committee considered (in the record).

Sparks explained the advisory committee discussed many issues:

- 1) Maintaining public involvement in the review process.
- 2) Administrative review of minor projects and defining what minor projects were.
- 3) Compatibility concerns between conflicting land uses. He said the CRAC settled on conflicting land uses adjacent to residential areas, such as commercial/residential or industrial/residential areas. He said the tools developed to address this were landscape buffering, lighting, screening of equipment and grading. He referred to Ms. Cook's concern about grading and explained they tried to create a gentler transition between residential and commercial properties. Instead of having a tall retaining wall at the property line to deal with substantial differences in grade, the standard developed was a two-to-one slope for the first 25 feet and after 25 feet the change could be mitigated or buffered through landscaping.

4) Architectural variety and interest of buildings visible from the streets. Sparks said they developed standards to address the issues for not having large blank walls; Including high quality materials; having varied roof and façade articulation; and being well landscaped.

Sparks explained that in addition to the CRAC, there were special interest retail groups involved that provided extensive testimony to the Planning Commission regarding the text. He said he and Mr. Spencer also met with these groups separately to address their issues. He noted most of the development in the City was infill and redevelopment. The retail group felt some of the standards were written toward Greenfield development, where one dealt with a clean slate and no constraints of existing buildings or roads. He said they also discussed phasing compliance with the standards over time, as there were misconceptions that applicants would be required to bring their entire property up to design standards right away. He said there were also questions about the validity of the Major Pedestrian Routes; he noted the Update included revised standards for the pedestrian routes to address the group's concerns.

Sparks explained there was a second group involved that represented industrial property owners' interests. He said their concern was that much of what was in the new standards did not apply to a true industrial use, such as pedestrian-oriented design. He said the text was changed to accommodate true industrial use.

Spencer said that the issues raised and discussed with the industrial group were brought back to the Planning Commission and were included in the Update the Commission approved and forwarded to the Council.

Sparks reviewed what the Design Review Update accomplished. He said design review still consisted of three applications though the thresholds were substantially different to streamline the process. He reviewed the three types of applications (in the record):

1) *Design Review Three (DR3)* was for major projects (greater than 30,000 square feet if abutting or within a residential zone; greater than 50,000 square feet anywhere in the City); a public hearing was still required for these projects.

2) *Design Review Two (DR2)* was for projects up to 30,000 square feet if abutting or within a residential area; or up to 50,000 square feet if it did not abut a residential zone. DR2 allowed staff level review and decision if the project met the design standards.

3) *Design Review Compliance Letter* was for minor projects such as minimal design changes to existing buildings or sites. He said the goal was to make this as close to an over-the-counter review as possible. He said the project would be reviewed at the counter and there would be a pre-printed letter stating the project met the City's standards, which staff would sign, thus completing the review. He said the intent was to provide a quick turn-around for simple projects, though he stressed some projects might take longer if staff needed to consult with the Engineering Department.

Sparks explained Design Review Update focused on four design issues: Building design; Circulation and parking; Landscaping and open space; and Lighting. He showed examples of how the design standards could be applied to various projects (in the record).

Sparks explained the staff recommendation was that Council approves the Planning Commission's recommendation as noted on the Consent Agenda (Agenda Bill 04214). Sparks said if Council approved the amendment, staff would prepare an ordinance for first reading at an upcoming Council meeting. He said staff would develop a Design Review Handbook that illustrated how standards could be met. He said the handbook would be published and given to applicants to help them design their projects. He said staff would be monitoring the results of the Update to determine the effectiveness of the design review process and make improvements as needed.

Coun. Soth asked if all the photographs used in the presentation were taken in the City of Beaverton.

Sparks replied they were not.

Coun. Soth said that concerned him because the surroundings determined how that photograph appeared. He asked if the photographs could be identified and labeled because standards varied considerably depending on location.

Sparks said the majority of the photographs were taken in Beaverton; a few were from Hillsboro and Portland.

Spencer explained the photographs were examples that illustrated what the design standards tried to achieve. He said in some cases a good example could not be found in Beaverton.

Sparks thanked Coun. Soth for the suggestion and said photograph identification could be done.

Coun. Soth asked what the appeal process was for the Compliance Letter.

Sparks explained the appeal process for the Compliance Letter was identical to the current Type 1 process in that only the applicant could appeal and it would go to the Board of Design Review. He said if someone appealed the Board's decision, it would go directly to LUBA and bypass Council.

Coun. Bode asked if the new lighting standards would impact or limit the amount of lighting in areas such as sidewalks, curbs or gas stations.

Sparks explained the new standards did not establish more or less lighting. He said having height limits on light poles may result in more lighting. He said if someone wanted to deviate from the standard, the project would go to the Board of Design Review.

Spencer responded that part of the standards dealt with the height of fixtures, but another set of standards dealt with minimum and maximum lighting levels in certain locations. He said those standards currently do not exist for the City and they did a great deal of research to determine and set the lighting standards in this Update.

Sparks confirmed the CRAC spent a great deal of time reviewing lighting standards, including illumination levels and safety considerations.

Coun. Doyle said he hoped the new light standards were as attractive as anticipated. He asked who made the determination that a project met the applicable standards on minor projects handled through the Compliance Letter and what was the anticipated turn-around time.

Sparks explained the planner on staff at that time would make the determination. He said for a standard Type 1 project that the City currently gets, the turn-around time would be ten to 15 minutes.

Coun. Doyle said as he watched the process unfold, it seemed the business community was very involved. He asked if that was correct.

Sparks said there was more business participation during this review than the previous Code update process and the staff received a lot of good feedback from a number of people who had not participated previously. He said it was very beneficial. He said this document was the best compromise document that could be developed from everyone's participation.

Coun. Doyle said he was glad to see the City trying to simplify the process through the use of the Compliance Letter.

Sparks said the City was committed to making this work and would be actively soliciting feedback for ways to improve the process. He explained the new Update did not include standards for paint color, though it was discussed. He said it was not possible to develop clear standards for paint color.

Coun. Doyle asked how many DR3 projects, with the new square footage standards, were anticipated for a given year.

Sparks replied he did not think there were be too many based on square footage; possibly two a year. He said he thought the bulk of the DR3s would deal with an applicant not meeting a standard or wanting to deviate from the standards. He said it would then go to the Board of Design Review, and the Board would only review the standard in question.

Spencer explained the design standards were quantitative requirements. He said it would be very clear if standards were met or not. He said each standard had a guideline which explained the intent of the standard. He said the Board of Design Review would interpret the guidelines to determine how the standard was met or not met.

Coun. Doyle asked if this would facilitate different design types or styles.

Spencer replied it was hoped the new standards allowed much more design creativity. He said that would be part of the monitoring staff would be doing.

Sparks said staff would monitor the projects to determine if the City was getting the best project it could get; and if not, why not. He said staff would review the standards and process to see there were problems affecting the design of the projects.

Mayor Drake said staff was focused on being customer friendly and much of what the business community produced today was of high quality. He said the applicants would not need the City's oversight if there were objective standards in the Code. He said the public interest was served in that the Update was more business-friendly and it still retained the citizen component for comments to help mold the project if it's a new type of design. He said the new Update was not a free pass; it still had high standards to meet without the standards being so high that they could not be met without going through the public process.

Sparks said staff had heard many times people were reluctant to develop in Beaverton because the standards were not clear. He said the goal of the Update was to make the standards clear.

Coun. Doyle asked how difficult it was to reach compromise on the grading standards.

Sparks said the initial text reviewed by CRAC was totally different from what was now before Council. He said the development industry representatives said the standards were unachievable. He said after further review it was determined that what they wanted to avoid was the huge change in grade at the property line, which required construction of huge retaining walls. He said they narrowed the standard to within 25 feet of the property line with a two percent slope for grading. He said that was a gradual change in topography which was acceptable to everyone. He said when the CRAC voted on this and sent it to the Planning Commission, this standard applied to all properties, in all zones. He said when the Commission had its hearing, the retail group objected because if retail properties were adjacent to each other, they could handle the transportation linkage between the properties. It was suggested the standard should apply only to properties next to residential areas. He said the CRAC was reconvened to consider this amendment, along with other revisions. He said the CRAC approved the revisions and forwarded the revised standards to the Planning Commission. He said the Planning Commission approved the amendment of the standards, so that grade changes would only be reviewed when they were next to residential areas.

Coun. Doyle agreed it made sense because what was needed was a buffer to protect residential areas; commercial/industrial developers would not create problems for themselves through grading since their sites need to be protected.

Sparks said he felt this was a better way of doing business.

Coun. Doyle commended staff for listening, and the Committees involved for their participation in this review. He said it was well worth all their effort and he was very pleased with the result.

Coun. Soth asked if the proposed standards changed the requirement that lighting fixtures be equipped with a cutoff feature to avoid glare on adjoining properties.

Spencer replied it did not change that requirement. He said the Update set a standard for how much light could be achieved at a property line, in addition to the requirement Coun. Soth mentioned.

Coun. Soth asked if the new standards decreased the amount of lighting allowed on the backside of a commercial structure for security purposes.

Sparks replied security lighting standards were not changed.

Mayor Drake pointed out that there was easy access to Council for appealing a decision of the Planning Commission. He said that while not everyone liked every item in the Update, there was not sufficient dislike to file an appeal.

Coun. Bode asked when staff would report back to Council on the results of the monitoring.

Sparks explained it would take about a year-and-a-half to receive applications, process them and receive feedback. He said it might be longer as construction does not always occur right away. He said it was important to get feedback from the applicants and from the community, which would take time. He repeated this was a big change to the way the City did business.

Mayor Drake thanked them for the presentation.

04213 An Ordinance Amending Provisions of Chapters Four and Five of the Beaverton City Code Relating to Nuisances Affecting the Public Health

Code Enforcement Services Manager George Fetzer presented a Power Point slide presentation concerning the proposed changes to the Beaverton City Code dealing with rubbish and solid waste. He explained the current Code prohibited the accumulation of rubbish. He said there had been cases in the past where owners or tenants disagreed with the City's evaluation of what was considered rubbish. He showed pictures of perennial problem properties in Beaverton that collected rubbish on site, including furniture and appliances. He said to deal with that, it was recommended that the definition of rubbish in the Code be expanded to include carpet, upholstered furniture and household appliances stored outside for more than 72 hours. He said the goal was to make the Code clear and objective; this language made it clear these items could not be stored outside for an extended period

Fetzer explained the other changes to the Code related to the Solid Waste and Recycling Ordinance in the Code. He showed pictures of properties where overflowing garbage cans remained outside on the sidewalk for a week. He noted complaints were received from the neighbors. He said this was inadequate trash service; they needed two garbage cans or larger dumpsters in cases of apartments or businesses. The proposed Code amendments provide enforcement and penalty provisions to deal with customers who would violate the Solid Waste rules.

Mayor Drake said the City's current process to get these properties cleaned was cumbersome and lengthy. He asked if there was anyway the City could move more quickly on these problems. He said though the City's process was cumbersome, it balanced property rights to protect the property owner or tenant.

Fetzer explained the abatement process required that the City obtain a warrant from the Municipal Court Judge. He noted in one case where the owners moved out and could not be found, it took six weeks to get the property cleaned up. He said the neighbors

were not pleased because it was not cleaned immediately. He said staff put a lot of effort into getting property owners to clean their property, so the City did not have to clean it.

Mayor Drake said there was a fine balance in being a good steward of the public interest, without incurring extra cost to clean these properties, and protecting private property rights.

Coun. Bode asked if the City had an information packet for residents moving into the City, to inform them of the City's standards for keeping property clean and maintaining the livability of the neighborhood.

Mayor Drake explained the City did not have packets; all property transactions were handled through realtors.

Coun. Bode asked about upholstered furniture as noted in the ordinance (Sec. 1.A.2.). She referred to her neighbor who had an upholstered couch on her front cement porch, under an awning. She said it looked clean and she wondered if this ordinance applied to that situation.

Fetzer explained the original wording in the ordinance referred to wet upholstered furniture but it was changed by the City Attorney.

City Attorney Alan Rappleyea explained the wording was changed because it was difficult to measure dampness and the standard needed to be clear. He said if the furniture was out of the rain, under cover and looked usable, it would not meet the standard.

Mayor Drake thanked Fetzer for the presentation.

**RECESS:**

Mayor Drake called for a brief recess at 7:45 p.m.

**RECONVENE:**

Mayor Drake reconvened the meeting at 8:02 p.m.

**04221 A Resolution Establishing City Annexation Policies**

Community Development Director Joe Grillo and Principal Planner Hal Bergsma briefly reviewed the staff report regarding establishing the City's annexation policy (in the record).

Grillo explained the City had a passive annexation policy for many years; almost all annexations in the past were by consent. He said the only exception to this was in the mid 1990's when residents of the West Slope, Raleigh Hills and Garden Home neighborhoods petitioned to be annexed to Beaverton to avoid being annexed to Portland.

Grillo said staff did not think these kinds of annexations would happen in the future. He said staff worked for many years to establish the Urban Service Area per Senate Bill 122. He noted the Council recently faced the Urban Service Issue dealing with the single-majority annexation vote, as it related to the Tualatin Valley Park & Recreation District. He said Council made it clear it was reluctant to pursue that type of strategy.

Grillo explained staff felt there was another way to deal with bringing properties into the City of Beaverton. He said staff was recommending that Council consider supporting the annexation method that would allow annexation of selected properties without property owner or voter approval. He said under State law, properties within areas surrounded by the City's boundaries, could be annexed after the City Council conducted a public hearing on that proposed annexation. He said the draft resolution before the Council set out the City's policies for annexation of two different types of properties:

1) Unincorporated properties that were not islands within the City but were within the City's assumed Urban Service Area. He said the City would remain open to supporting annexation by the majority of the voters in that situation where there was "a coming of the minds" between a large segment of that population and the City. He said that would entail doing additional planning for infrastructure and services for that area.

2) Those properties that are within the incorporated area of the City, i.e., islands. He said the policy would be to provide an umbrella of priority to annexing non-residential properties, developable residential properties, and smaller groupings of developed properties that were zoned residential within a neighborhood that was within these islands.

He said the proposed resolution set out the objectives for the annexations. He said this policy did not give priority to annexing larger, unincorporated residential neighborhoods using the island annexation method at this time. He reviewed the objectives and reasons set forth in the draft resolution: 1) Minimize confusion about City service boundaries; 2) Improve efficiency of City services; 3) Control development or redevelopment of properties that would eventually be in the City's boundaries; 4) Create complete neighborhoods; and 5) Increase City's tax base. He noted these objectives were not prioritized. He noted staff was recommending the Council go from an unwritten general passive annexation policy to a written moderately-aggressive annexation policy.

Coun. Soth said one of his major concerns was the provision of police services. He said under the current situation, with the nearest-unit-response type of dispatch, the Beaverton Police answered outside calls because Sheriff's deputies were not available. He said Automatic Vehicle Locator (AVL) was coming to the dispatch center and it would indicate which vehicle was closest to the call. He said in that regard Beaverton Police may be called to those areas immediately surrounding the City limits because they were the closest. He said currently Beaverton Police responded to many of the outside-area calls, so those areas were receiving City services. He related the inefficiency of dealing with the unincorporated islands for many of the islands already received City services.

Coun. Doyle confirmed with Grillo the four types of property being considered in the island annexation concept were: Undeveloped parcels zoned for industrial, commercial or mixed uses; Developed or redevelopable properties zoned for industrial, commercial or mixed uses; Undeveloped or redevelopable property zoned for residential; and Small

developed properties zoned residential within a neighborhood that is completely incorporated within the City. He stressed they were not talking about going beyond the City's boundary and looking at adjacent property. He said they were strictly talking about islands within the City, completely surrounded by the City, receiving the benefits of being in their location.

Bergsma said they were not talking about annexing larger neighborhoods like Cedar Hills.

Mayor Drake pointed out there were islands within the City and this policy would include those smaller parcels that were surrounded by the City. He said the specific annexation that had been noticed was at the north end of the City.

Coun. Bode said it was logical to articulate the annexation policies and all the other policies the Council discussed at this meeting. She noted these islands were in the center of some parts of Beaverton and when looking at equalizing the playing field, and considering livability, access and services, it was time to articulate the annexation policy. She said the annexation supported the City's continuing efforts to maintain livability. She added bringing in additional land would help the City maintain a low tax rate. She said all of these issues entwined with each other and make Beaverton the city it wants to be in the next century.

Coun. Ruby said he appreciated this policy and the Consent Agenda item prepared for this issue was straight forward in discussing where the City had been in its past annexation policy and announcing to the public that policy may be more aggressive in the future and the reasons why. He said he thought that was straight shooting with the public. He said the island annexations were forced annexations but they were within certain parameters, and there were justifications for treating those areas differently as they were already benefiting from City services. He said the policy articulated well why this policy was justified as the City had expanded its boundaries already.

Mayor Drake thanked staff for the presentation.

#### CONSENT AGENDA:

Coun. Bode MOVED, SECONDED by Coun. Soth, that the Consent Agenda be approved as follows:

Minutes of Regular Meeting of October 18, 2004

04214 Design Review Update Project (TA 2003-0005)

04215 Authorize the Mayor to Execute an Intergovernmental Agreement with Washington County for Utility Undergrounding Work on the Barnes Road Project, 119<sup>th</sup> Avenue to Saltzman Road

04220 A Resolution Establishing City Annexation Policies (Resolution No. 3785)

Question called on the motion. Couns. Bode, Doyle, Ruby and Soth voting AYE, the MOTION CARRIED unanimously. (4:0)

**PUBLIC HEARING:**

**04216 Proposed Water Consumption Rate Increase for Operating the City's Water System  
(Resolution No. 3784)**

Finance Director Patrick O'Claire briefly reviewed the staff report. He said the annual increase to the water rate would be around \$2.88 for a single-family residence.

Coun. Bode asked who owned the water meter at the house.

O'Claire explained it was owned and maintained by the City.

Coun. Doyle confirmed with O'Claire that the rate increase was less than \$3.00 per year per residence.

Mayor Drake opened the public hearing.

There was no one present who wished to testify.

Mayor closed the public hearing.

Coun. Soth **MOVED, SECONDED** by Coun. Doyle that the Council approves Agenda Bill 04216, the Proposed Water Consumption Rate Increase for Operating the City's Water System. Couns. Bode, Doyle, Ruby and Soth voting **AYE**, the **MOTION CARRIED** unanimously. (4:0)

**ORDINANCES:**

**Suspend Rules:**

Coun. Ruby **MOVED, SECONDED** by Coun. Soth, that the rules be suspended, and that the ordinances embodied in Agenda Bills 04217, 04218 and 04219 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Bode, Doyle, Ruby and Soth, voting **AYE**, the **MOTION CARRIED** unanimously. (4:0)

**First Reading:**

Rappleyea read the following ordinances for the first time by title only:

**04217 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Known as Steele Park Located on the Eastside of SW 170<sup>th</sup> Avenue, Immediately South of Elmonica Elementary School; CPA 2004-0011/ZMA 2004-0011 (Ordinance No. 4327)**

**04218 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Peck Park/TVF&R Station 61 which is Nine Parcels Located Along SW Murray Blvd.; CPA 2004-0014/ZMA 2004-0014 (Ordinance No. 4328)**

04219 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located at 12030 SW Center Street; CPA 2004-0015/ ZMA 2004-0015 (Ordinance No. 4329)

Second Reading:

Rappleyea read the following ordinances for the second time by title only:

04209 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located at 15865 SW Division Street; CPA 2004-0010/ ZMA 2004-0010 (Ordinance No. 4324)

04210 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Lilly K. Johnson Park which is Located North of SW Division Street and West of SW 153<sup>rd</sup> Avenue; CPA 2004-0012/ZMA 2004-0012 (Ordinance No. 4325)

04211 An Ordinance Annexing Property Located at 12030 SW Center Street to the City of Beaverton: Expedited Annexation 2004-0012 (Ordinance No. 4326)

Coun. Soth MOVED, SECONDED by Coun. Ruby, that the ordinances embodied in Agenda Bills 04209, 04210 and 04211, now pass. Roll call vote. Couns. Bode, Doyle, Ruby and Soth voting AYE, the MOTION CARRIED unanimously. (4:0)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:30 p.m.

\_\_\_\_\_  
Catherine Jansen, Deputy City Recorder

APPROVAL:

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Rob Drake, Mayor

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT: LIQUOR LICENSE APPLICATION: FOR AGENDA OF: 11/08/04 BILL NO: 04224**  
**NEW OUTLET** **MAYOR'S APPROVAL: *Ash DeLuca***  
Beaverton Grocery Outlet **DEPARTMENT OF ORIGIN: Police *DB***  
3855 SW Murray Blvd **DATE SUBMITTED: 10/26/04**

**PROCEEDING: Consent Agenda EXHIBITS: None**

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$ 0	BUDGETED \$ 0	REQUIRED \$ 0

**HISTORICAL PERSPECTIVE:**

A background investigation has been completed, and the Chief of Police has found that the applicant meets the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license application.

**INFORMATION FOR CONSIDERATION:**

R&P Barnett Enterprises, Inc. has made application for an Off-Premises Sales Licenses under the trade name of Beaverton Grocery Outlet. The establishment is a grocery store. People are able to purchase items for consumption off premises as there is no seating available. Its hours of operation are Monday through Saturday, 9:00 a.m. to 9:00 p.m., and Sunday, 9:00 a.m. to 7:00 p.m. There is no entertainment offered. An Off-Premises Sales License allows the sale of malt beverages, wine, and cider to go in sealed containers.

**RECOMMENDED ACTION:**

The Chief of Police for the City of Beaverton recommends the City Council approve the OLCC license application.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Traffic Commission Issues No. TC 565-567    **FOR AGENDA OF:** 11-08-04    **BILL NO:** 04225

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Engineering 

**DATE SUBMITTED:** 10-26-04

**CLEARANCES:** Transportation   
City Attorney 

**PROCEEDING:** Consent

- EXHIBITS:**
1. Vicinity Map
  2. City Traffic Engineer's reports on Issues TC 565-567
  3. Final Written Orders on TC 565-567
  4. Written comments received at the Traffic Commission meeting
  5. Draft minutes of the meeting of October 7, 2004 (excerpt)

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

**HISTORICAL PERSPECTIVE:**

On October 7, 2004, the Traffic Commission considered the following issues:

- TC 565, Speed Zoning on NW Greenbrier Parkway;
- TC 566, Speed Zoning on NW Blueridge Drive East of 158<sup>th</sup> Avenue;
- TC 567, Speed Zoning on NW Waterhouse Avenue East of 158<sup>th</sup> Avenue.

Staff reports for Issues TC 565-567 are attached as Exhibit 2.

**INFORMATION FOR CONSIDERATION:**

A public hearing was held on Issues TC 565-567. Following the public hearing, the Commission approved the staff recommendations.

**RECOMMENDED ACTION:**

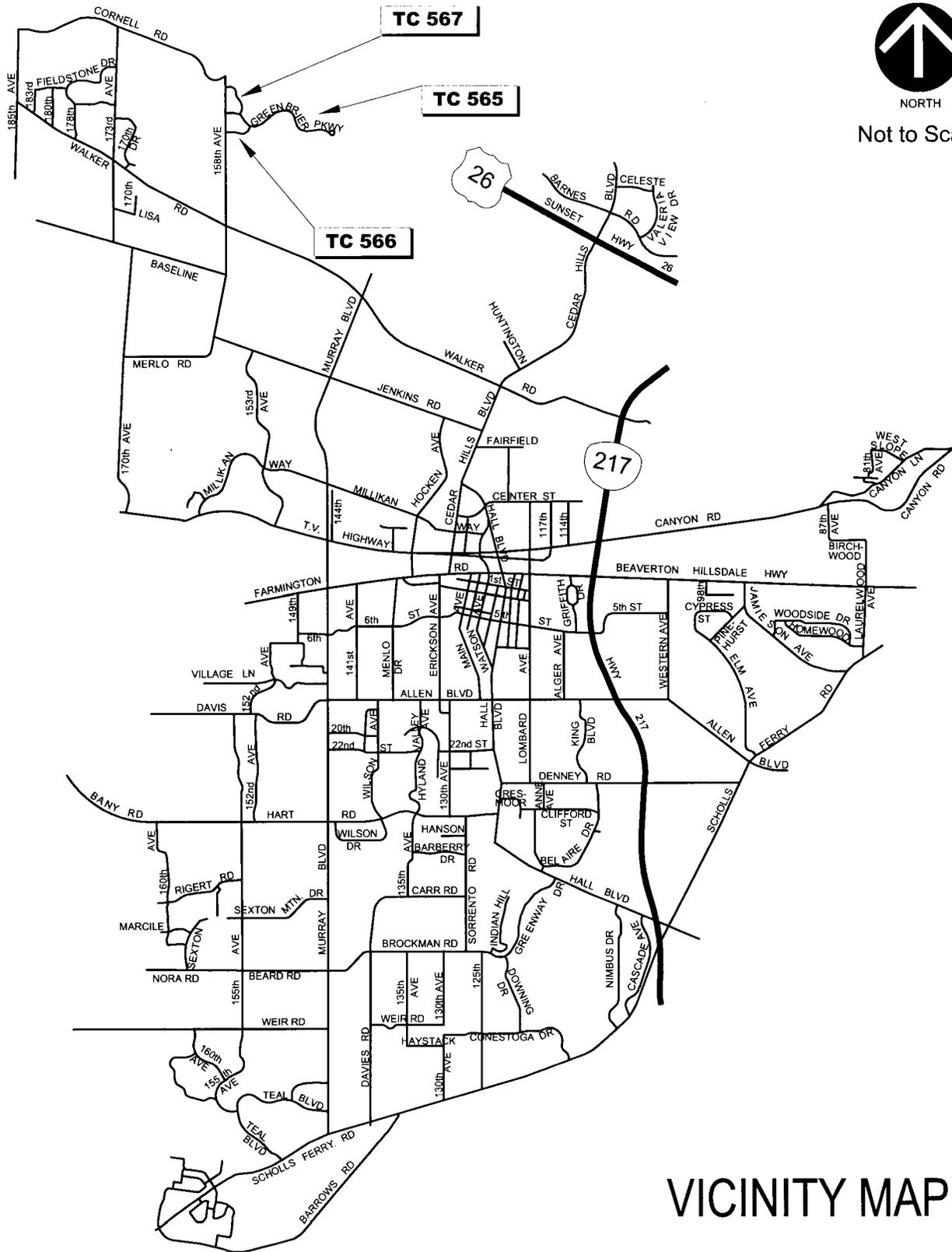
Approve the Traffic Commission recommendations on Issues TC 565 through TC 567.

EXHIBIT 1



NORTH

Not to Scale



# VICINITY MAP



City Of Beaverton

VICINITY MAP for October TC ISSUES:  
565 through 567

**ENGINEERING DEPARTMENT**  
**TRANSPORTATION DIVISION**

Drawn By: JR Date: 7/20/04

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

**CITY TRAFFIC ENGINEER'S REPORT**  
**ISSUE NO. TC 565**  
**(Speed Zoning on NW Greenbrier Parkway)**

**September 16, 2004**

**Background Information**

Requested by staff. The existing speed limit signing was installed prior to transfer of road jurisdiction to the City. Research has revealed no speed order or other basis for the existing speed limit signing.

Currently NW Greenbrier Parkway has a posted speed limit of 25 mph. The properties adjoining Greenbrier Parkway are zoned and developed as Campus Industrial, a business use. Under State statutes the speed limit in a "business area" is 20 mph unless a different speed limit is established by the state. To establish any other speed limit, it will be necessary for the Oregon Department of Transportation (ODOT) to investigate the speed zone and issue a formal speed order. Currently Greenbrier Parkway does not have a formal speed order.

In August 2004 a speed study was conducted by City staff on NW Greenbrier Parkway. The measured 85<sup>th</sup> percentile speed ranged between 34 and 38 mph as shown on the attached drawing.

The 85<sup>th</sup> percentile speed is typically used as an indicator of the upper limit of speeds for responsible and prudent drivers. Other factors include roadway geometry, sight distance, design speed, land use and amount of direct access. It is not unusual for a street to have an 85<sup>th</sup> percentile speed ranging from 5 to 10 mph above the posted speed limit. However, very large variance between the posted speed and the 85<sup>th</sup> percentile speed may result in noncompliance with the posted speed.

Greenbrier Parkway is a four-lane roadway with a design speed of 30 mph. Most of the street is divided by a planted island and includes traffic calming devices at or near marked pedestrian crosswalks. Based on the measured 85<sup>th</sup> percentile speed, the design speed, and the geometry of the street, staff is proposing to forward to the State a request for a speed zone investigation on NW Greenbrier Parkway with a recommended speed of 30 mph.

**Applicable Criteria**

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1h (comply with Federal and State regulations).

**Conclusions:**

1. Forwarding to the State a request for a speed zone investigation on NW Greenbrier Parkway with a recommended speed of 30 mph would comply with State regulations, satisfying Criterion 1h.

2. If the recommended speed were approved by the State, it would provide safe and orderly movements of vehicles, bicycles and pedestrians, satisfying Criterion 1a and 1b.

**Recommendation:**

Forward to the State a request for a speed zone investigation on NW Greenbrier Parkway with a recommended speed of 30 mph.

TC 565



1"=400'

Location # 1311  
E/B ADT = 2261  
W/B ADT = 2613  
TOTAL ADT = 4874

85% SPEED = 34.09  
Study & Data  
Collected on 8/19/04

Location # 1310  
E/B ADT = 3065

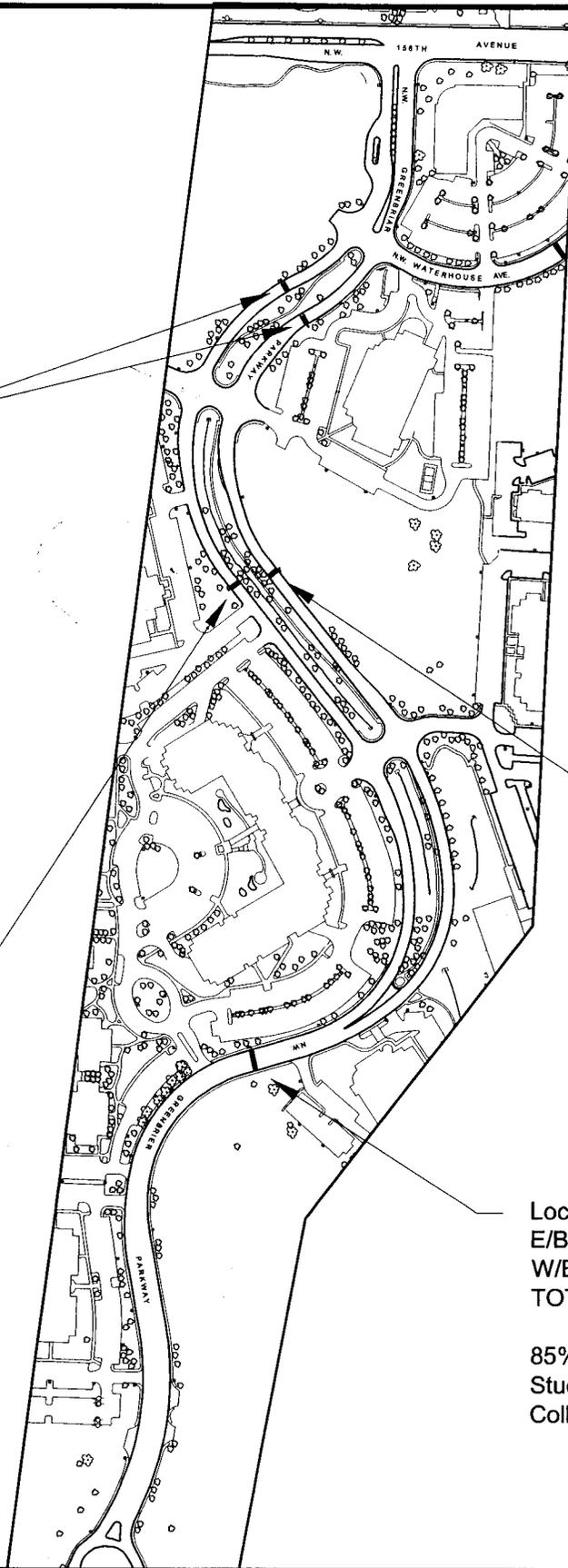
85% SPEED = 34.47  
Study & Data  
Collected on 8/26/04

Location # 1310  
W/B ADT = 3268

85% SPEED = 37.75  
Study & Data  
Collected on 8/19/04

Location # 1312  
E/B ADT = 1456  
W/B ADT = 1581  
TOTAL ADT = 3037

85% SPEED = 35.62  
Study & Data  
Collected on 8/19/04



Y: \Traffic \Drawings \ 1998 \98-41 Greenbrier, Bluebridge, Waterhouse After Study - (TC 565) Traffic Calming.dwg



City Of Beaverton

Proposed Speed Zoning on  
NW Greenbrier Parkway

**ENGINEERING DEPARTMENT**  
**TRANSPORTATION DIVISION**

Drawn By: JR Date: 9/16/04

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: 4

**CITY TRAFFIC ENGINEER'S REPORT**  
**ISSUE NO. TC 566**  
**(Speed Zoning on NW Blueridge Drive East of 158<sup>th</sup> Avenue)**

**September 16, 2004**

**Background Information**

Requested by staff. The existing speed limit signing was installed prior to transfer of road jurisdiction to the City. Research has revealed no speed order or other basis for the existing speed limit signing.

Currently NW Blueridge Drive east of 158<sup>th</sup> Avenue is a four lane street with a posted speed limit of 25 mph. The properties adjoining NW Blueridge Drive are zoned and developed as Campus Industrial, a business use. Under State statutes the posted speed limit in a "business area" is 20 mph unless a different speed limit is established by the state. To establish any other speed limit, it will be necessary for the Oregon Department of Transportation (ODOT) to investigate the speed zone and issue a formal speed order. Currently Blueridge Drive east of 158th does not have a formal speed order.

In August 2004 a traffic survey and a speed study were conducted by City staff on NW Blueridge Drive. The average daily traffic was approximately 3800 vehicles per day. The measured 85<sup>th</sup> percentile speed was 34 mph.

The 85<sup>th</sup> percentile speed is typically used as an indicator of the upper limit of speeds for responsible and prudent drivers. Other factors include roadway geometry, sight distance, design speed, land use and amount of direct access. It is not unusual for a street to have an 85<sup>th</sup> percentile speed ranging from 5 to 10 mph above the posted speed limit. However, very large variance between the posted speed and the 85<sup>th</sup> percentile speed may result in noncompliance with the posted speed.

NW Blueridge Drive east of 158<sup>th</sup> Avenue is a four-lane street with a design speed between 25 and 30 mph. Based on the measured 85<sup>th</sup> percentile speed, land use and the geometry of the street, staff is proposing to forward to the State a request for a speed zone investigation on NW Blueridge Drive with a recommendation of maintaining existing 25 mph posted speed limit.

**Applicable Criteria**

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1h (comply with Federal and State regulations).

**Conclusions:**

1. Forwarding to the State a request for a speed zone investigation on NW Blueridge Drive with a recommended speed of 25 mph would comply with State regulations, satisfying Criterion 1h.

2. If the recommended speed were approved by the State, it would provide safe and orderly movements of vehicles, bicycles and pedestrians, satisfying Criterion 1a, and 1b.

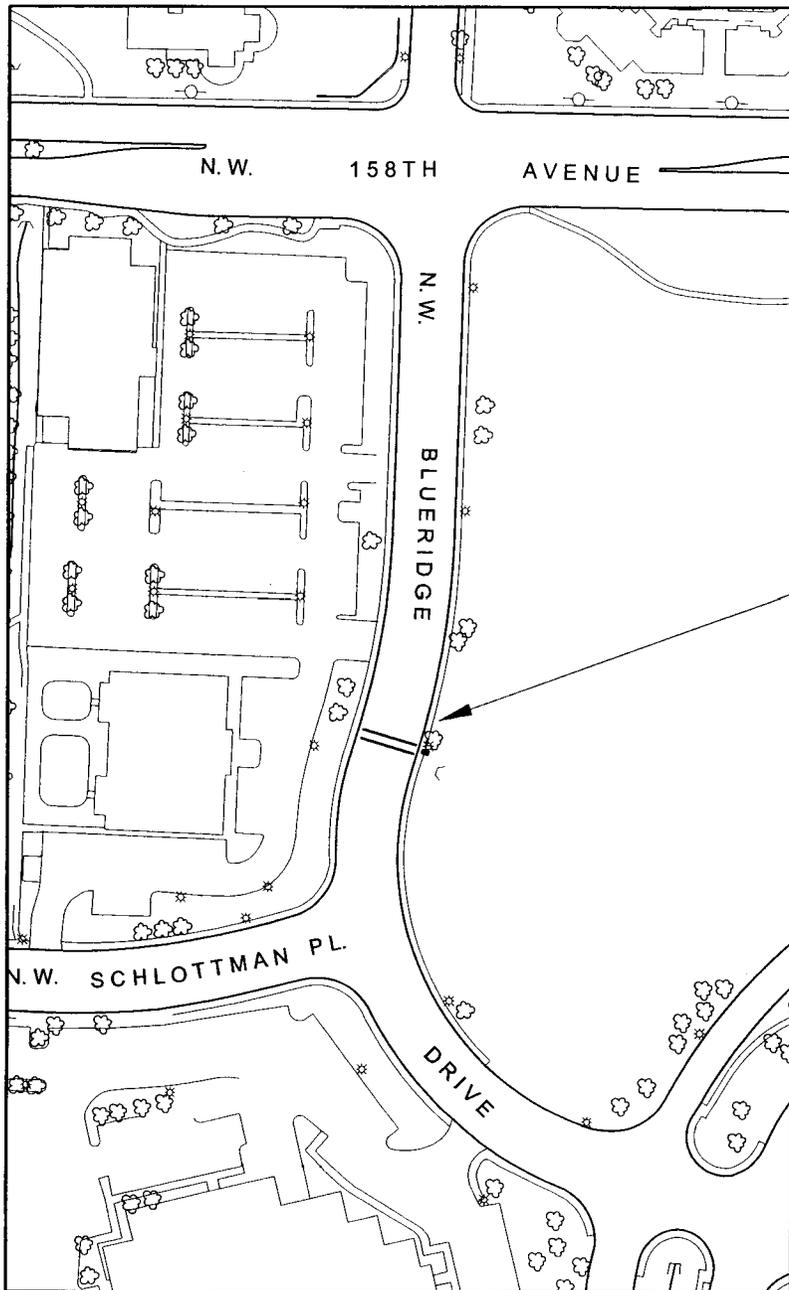
**Recommendation:**

Forward to the State a request for a speed zone investigation on NW Blueridge Drive east of 158<sup>th</sup> Avenue with a recommended speed of 25 mph.

TC 566



1"=150'



Location # 1314  
 E/B ADT = 1959  
 W/B ADT = 1850  
 TOTAL ADT = 3809

85% SPEED = 34.32  
 Study & Data  
 Collected on 8/19/04

Y:\ Traffic \ Drawings \ 1998 198-41 Greenbrier, Blueridge, Waterhouse After Study - (TC 566) Traffic Calming.dwg



City Of Beaverton

Proposed Speed Zoning on  
 NW Blueridge Drive east of 158th Ave

**ENGINEERING DEPARTMENT**  
**TRANSPORTATION DIVISION**

Drawn By: JR Date: 9/16/04

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: 7

**CITY TRAFFIC ENGINEER'S REPORT**  
**ISSUE NO. TC 567**  
**(Speed Zoning on NW Waterhouse Avenue East of 158<sup>th</sup> Avenue)**

**September 16, 2004**

**Background Information**

Requested by staff. Currently NW Waterhouse Avenue east of 158<sup>th</sup> Avenue does not have a posted speed limit. Under State statutes, the current speed limit is 20 mph as the adjoining properties are a business area. To establish any other speed limit, it will be necessary for Oregon Department of Transportation (ODOT) to conduct a speed study and issue a formal speed order.

In August 2004 a traffic survey and a speed study were conducted on NW Waterhouse Avenue. The average daily traffic was approximately 1800 vehicles per day. The measured 85<sup>th</sup> percentile speed was 32 mph.

The 85<sup>th</sup> percentile speed is typically used as an indicator of the upper limit of speeds for responsible and prudent drivers. Other factors include roadway geometry, sight distance, design speed, land use and amount of direct access. It is not unusual for a street to have an 85<sup>th</sup> percentile speed ranging from 5 to 10 mph above the posted speed limit. However, very large variance between the posted speed and the 85<sup>th</sup> percentile speed may result in noncompliance with the posted speed.

Waterhouse Avenue east of 158<sup>th</sup> Avenue is a two-lane roadway with a design speed of 25 mph. Based on the measured 85<sup>th</sup> percentile speed, the design speed, and the geometry of the street, staff is proposing to forward to the State a request for a speed zone investigation on NW Waterhouse Avenue with a recommended speed of 25 mph.

**Applicable Criteria**

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1h (comply with Federal and State regulations).

**Conclusions:**

1. Forwarding to the State a request for a speed zone investigation on NW Waterhouse Avenue with a recommended speed of 25 mph would comply with State regulations, satisfying Criterion 1h.
2. If the recommended speed were approved by the State, it would provide safe and orderly movements of vehicles, bicycles and pedestrians, satisfying Criterion 1a, and 1b.

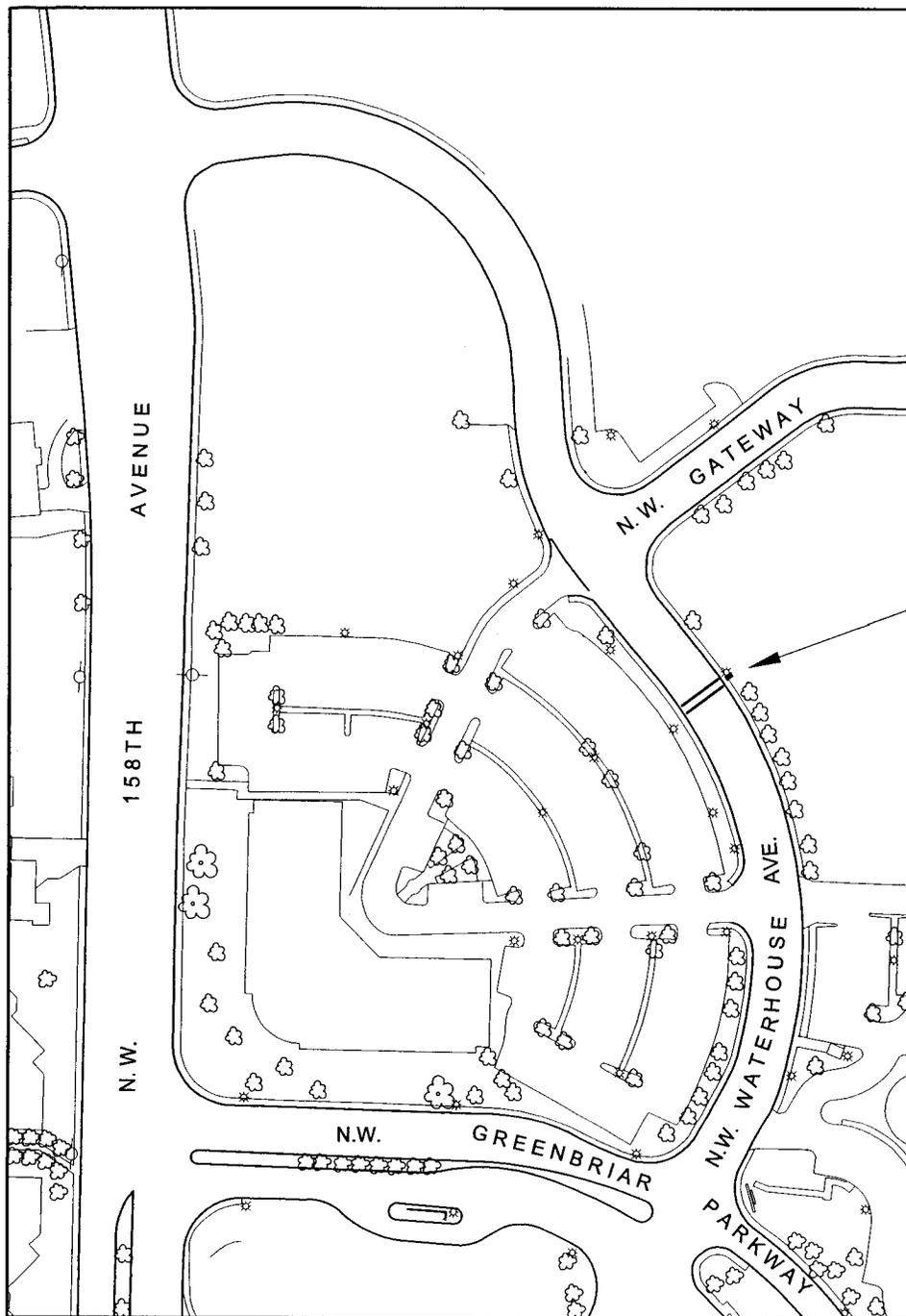
**Recommendation:**

Forward to the State a request for a speed zone investigation on NW Waterhouse Avenue east of 158<sup>th</sup> Avenue with a recommended speed of 25 mph.

TC 567



1"=150'



Location # 1313  
 N/B ADT = 945  
 S/B ADT = 838  
 TOTAL ADT = 1783

85% SPEED = 32.10  
 Study & Data  
 Collected on 8/19/04

Y:\Traffic\Drawings\1998\98-41 Greenbrier, Blueridge, Waterhouse After Study - (TC 567) Traffic Calming.dwg



City Of Beaverton

Proposed Speed Zoning on  
 NW Waterhouse Ave east of 158th Ave

**ENGINEERING DEPARTMENT**  
**TRANSPORTATION DIVISION**

Drawn By: JR Date: 9/16/04

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: 9

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 565  
(Speed Zoning on NW Greenbrier Parkway)

1. A hearing on the issue was held by the Traffic Commission on October 7, 2004.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
  - 1a (provide for safe vehicle, bicycle and pedestrian movements);
  - 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
  - 1gh (comply with Federal and State regulations).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
  - NW Greenbrier Parkway currently has a posted speed limit of 25 mph.
  - Research by City staff revealed no speed order or other basis for the existing speed limit signing.
  - Under state statutes, the speed limit in a business area is 20 mph unless a different speed limit is established by the state.
  - A speed study showed the 85<sup>th</sup> percentile speed to range between 34 and 38 mph.
  - NW Greenbrier Parkway has a design speed of 30 mph due to its curved alignment. It also has traffic calming measures and pedestrian crosswalks.
  - Based on 85<sup>th</sup> percentile speed, design speed and geometry of the street, staff recommended a posted speed of 30 mph.
4. Following the public hearing, the Traffic Commission voted (7 aye, 0 nay) to recommend the following action:

Forward to the State a request for a speed zone investigation on NW Greenbrier Parkway with a recommended speed of 30 mph.

5. The Traffic Commission decision was based on the following findings:
  - Forwarding to the State a request for a speed zone investigation on NW Greenbrier Parkway with a recommended speed of 30 mph would comply with State regulations, satisfying Criterion 1h.
  - If the recommended speed were approved by the State, it would provide safe and orderly movements of vehicles, bicycles and pedestrians, satisfying Criterion 1a and 1b..
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 7 DAY OF OCTOBER 2004

  
\_\_\_\_\_  
Traffic Commission Chair

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 566  
(Speed Zoning on NW Blueridge Drive East of 158<sup>th</sup> Avenue)

1. A hearing on the issue was held by the Traffic Commission on October 7, 2004.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
  - 1a (provide for safe vehicle, bicycle and pedestrian movements);
  - 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
  - 1gh (comply with Federal and State regulations).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
  - NW Blueridge Drive currently has a posted speed limit of 25 mph.
  - Research by City staff revealed no speed order or other basis for the existing speed limit signing.
  - Under state statutes, the speed limit in a business area is 20 mph unless a different speed limit is established by the state.
  - A speed study showed the 85<sup>th</sup> percentile speed to be 34 mph.
  - NW Blueridge Drive has a design speed of between 25 and 30 mph due to its curved alignment.
  - Based on 85<sup>th</sup> percentile speed, design speed and geometry of the street, staff recommended a posted speed of 25 mph.
4. Following the public hearing, the Traffic Commission voted (7 aye, 0 nay) to recommend the following action:

Forward to the State a request for a speed zone investigation on NW Blueridge Drive with a recommended speed of 25 mph.

5. The Traffic Commission decision was based on the following findings:
  - Forwarding to the State a request for a speed zone investigation on NW Blueridge Drive with a recommended speed of 25 mph would comply with State regulations, satisfying Criterion 1h.
  - If the recommended speed were approved by the State, it would provide safe and orderly movements of vehicles, bicycles and pedestrians, satisfying Criterion 1a and 1b..
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 7 DAY OF OCTOBER 2004

  
\_\_\_\_\_  
Traffic Commission Chair

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 567

(Speed Zoning on NW Waterhouse Avenue East of 158<sup>th</sup> Avenue)

1. A hearing on the issue was held by the Traffic Commission on October 7, 2004.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
  - 1a (provide for safe vehicle, bicycle and pedestrian movements);
  - 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
  - 1gh (comply with Federal and State regulations).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
  - NW Waterhouse Avenue currently has no posted speed limit.
  - Under state statutes, the speed limit in a business area is 20 mph unless a different speed limit is established by the state.
  - A speed study showed the 85<sup>th</sup> percentile speed to be 32 mph.
  - NW Waterhouse Avenue has a design speed of 25 due to its curved alignment.
  - Based on 85<sup>th</sup> percentile speed, design speed and geometry of the street, staff recommended a posted speed of 25 mph.
4. Following the public hearing, the Traffic Commission voted (7 aye, 0 nay) to recommend the following action:

Forward to the State a request for a speed zone investigation on NW Waterhouse Avenue with a recommended speed of 25 mph.

5. The Traffic Commission decision was based on the following findings:
  - Forwarding to the State a request for a speed zone investigation on NW Waterhouse Avenue with a recommended speed of 25 mph would comply with State regulations, satisfying Criterion 1h.
  - If the recommended speed were approved by the State, it would provide safe and orderly movements of vehicles, bicycles and pedestrians, satisfying Criterion 1a and 1b..
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 7 DAY OF OCTOBER 2004

  
\_\_\_\_\_  
Traffic Commission Chair

**MEMORANDUM**  
Beaverton Police Department



DATE: September 22, 2004

TO: Randy Wooley

**RECORD COPY**

Chief David G. Bishop

FROM: Jim Monger

SUBJECT: TC 565-567

---

TC 565: I concur with the traffic control changes as proposed for an increased speed from 25 to 30 mph on NW Greenbrier Parkway.

TC 566: I concur with the traffic control changes as proposed for maintaining the speed at 25 mph on NW Blueridge Drive.

TC 567: I concur with the traffic control changes as proposed for the posting of 25 mph on NW Waterhouse Avenue.

**RECORD COPY**  
TC565

**Randy Wooley**

---

**From:** Alex Schreiner [alex\_schreiner@phoseon.com]  
**Sent:** Thursday, September 30, 2004 10:34 AM  
**To:** Randy Wooley  
**Subject:** Speed Limit Greenbrier

Please make the speed limit 40.

Alex Schreiner, Ph.D.  
Director of Engineering  
Phoseon Technology, Inc.  
14974 NW Greenbrier Pkwy  
Beaverton, OR  
97006

[www.phoseon.com](http://www.phoseon.com)

Phone: 971-249-0362  
FAX : 503-439-6408

RECORD COPY

TC 565

**Randy Wooley**

---

**From:** Tom McNeil [tom\_mcneil@phoseon.com]  
**Sent:** Thursday, September 30, 2004 10:45 AM  
**To:** Randy Wooley  
**Subject:** FW: Greenbrier Parkway proposed traffic change

Hello Randy,

I support the 30 MPH change on Greenbrier.

Thank you,  
Tom  
Tom McNeil  
Mechanical Engineer, Phoseon Technology  
14974 NW Greenbrier Parkway, Beaverton, Oregon 97006-5776 USA  
Voice 971-249-0231, extension 1, Fax 503-439-6408  
[tom\\_mcneil@phoseon.com](mailto:tom_mcneil@phoseon.com)  
<http://www.phoseon.com/>

-----Original Message-----

**From:** Chris OLeary [mailto:chris\_oleary@phoseon.com]  
**Sent:** Thursday, September 30, 2004 10:09 AM  
**To:** Tom Molamphy; Alex Schreiner; Bonnie Larson; Chris O'Leary; Francois Vlach; Jon Bedson; Jon Marson; Lori VanDyke; Mark Owen; Roland Jasmin; Steve Olson; Tom McNeil  
**Subject:** Greenbrier Parkway proposed traffic change

Perhaps you've seen the signs posted on Greenbrier. The proposed change is to increase the speed limit from 25mph to 30mph.

If you have comments in support or against please send them to Randy Wooley the city traffic engineer at [wooley@ci.beaverton.or.us](mailto:wooley@ci.beaverton.or.us) They won't necessarily make the change unless they get input.

Chris

## RECORD COPY

**Randy Wooley**

---

**From:** Mark Owen [mark\_owen@phoseon.com]

**Sent:** Thursday, September 30, 2004 12:15 PM

**To:** Randy Wooley

**Subject:** increase to 30mph

We are very supportive of this, we were afraid you were going to slow it. The roads are very safe, speed bumps limit speeding above 30. The road off of Greenbrier that goes in from of the preschool and pizza parlor should not increase.

Thanks!

Mark Owen  
President & CEO  
Phoseon Technology Inc.  
14974 NW Greenbrier Parkway, Beaverton, OR USA 97006  
tel: +1 (503) 439-6410  
fax: +1 (503) 439-6408  
cell: +1 (503) 819-0901  
email: [mark\\_owen@phoseon.com](mailto:mark_owen@phoseon.com)  
[www.phoseon.com](http://www.phoseon.com)

City of Beaverton

**TRAFFIC COMMISSION**

Minutes of the October 7, 2004, Meeting

**CALL TO ORDER**

Chairman Scott Knees called the meeting to order at 7:00 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall.

**ROLL CALL**

Traffic Commissioners Scott Knees, Holly Isaak, Carl Teitelbaum, Louise Clark, Kim Overhage, Tom Clodfelter, and Ramona Crocker constituted a quorum.

City staff included Traffic Engineer Randy Wooley, Project Engineer Jabra Khasho, Traffic Sergeant Jim Monger, and Recording Secretary Debra Callender.

— EXCERPT START —

**STAFF COMMENTS**

Mr. Wooley asked the Commission to consider combining Issues TC 565, 566, and 567 into one public hearing. He noted that the three streets under discussion are all part of the same business park. It is reasonable to assume that citizens testifying would have an interest in all three streets.

Chairman Knees polled the Commissioners and no one objected to combining the three hearings.

**PUBLIC HEARINGS**

**ISSUE TC 565: SPEED ZONING ON NW GREENBRIER PARKWAY.**

**ISSUE TC 566: SPEED ZONING ON NW BLUERIDGE DRIVE EAST OF 158<sup>TH</sup> AVENUE.**

**ISSUE TC 567: SPEED ZONING ON NW WATERHOUSE AVENUE EAST OF 158<sup>TH</sup> AVENUE.**

*Chairman Knees opened the public hearings on Issues TC 565, 566, and 567.*

### **Staff Report**

Mr. Wooley said all three streets are located in the Cornell Oaks Business Park and have a posted speed of 25 mph. Washington County posted the speed signs prior to the business park's annexation into the City of Beaverton. After annexation, City staff asked the County for copies of their speed zone orders for these streets. After extended communication, it became clear the County could not locate speed orders. City staff determined the best course was to ask the Traffic Commission for speed zone recommendations, which could be forwarded to the State for approval.

Because Cornell Oaks Business Park is a business area, Mr. Wooley said the statutory speed limit for all three streets is automatically 20 mph. The City can ask the State to establish a different speed limit through the State speed zone process. Staff proposes that Greenbrier Parkway be posted at 30 mph, and that Blueridge Drive and Waterhouse Avenue each be posted at 25 mph.

Mr. Wooley referred to written comments received prior to the hearing. Several writers agreed with the staff recommendations; however, one writer thought Greenbrier should be posted at 40 mph. Mr. Wooley said staff's speed recommendations are based on the 85<sup>th</sup> percentile speeds (meaning that 85 percent of the traffic is traveling at that speed or slower). Staff then modified their recommendation to account for the streets' curved alignment, pedestrian activity, and design speed.

### **Public Testimony**

The Commission received written testimony relating to these hearings from Traffic Sgt. Jim Monger, Mark Owen, Alex Schreiner, and Tom McNeil.

Mike Castillo, Hillsboro, Oregon, said he is employed at an Intel facility located in the Cornell Oaks Business Park. Mr. Castillo serves as a City Councilor for the City of Hillsboro and is a member of the Hillsboro Street Committee. Tonight, he is speaking on his own behalf.

Mr. Castillo said he is very familiar with these three streets, especially Greenbrier Parkway (TC 565). Mr. Castillo described Greenbrier as a wide, four-lane road with a broad, grassy center island that includes a central sidewalk. He pointed out that the isolated sidewalk increases pedestrian safety.

Mr. Castillo testified that 35 mph is a safe and comfortable driving speed on Greenbrier. He added that 35 mph is also very near the 85<sup>th</sup> percentile speed shown on the drawing attached to the staff report. That means most drivers are already safely driving 35 mph on Greenbrier. Mr. Castillo said Greenbrier's wide design easily supports that speed.

Turning to the issue of Blueridge Drive (TC 566), Mr. Castillo said this is also a fairly wide street with a single, gradual curve with good visibility. He believes an appropriate speed on Blueridge Drive would be 30 mph.

On Waterhouse Avenue east of 158<sup>th</sup> (TC 567), Mr. Castillo believes the staff recommendation of 25 mph seems appropriate. He stated that the street's curved design and sight visibility problems are important reasons to keep the speed lower than adjacent streets.

Mr. Castillo reviewed that he recommends a speed of 35 mph on Greenbrier, 30 mph on Blueridge, and 25 mph on Waterhouse.

Commissioner Teitelbaum said his field check showed that Blueridge is a short street with a pizza restaurant, a childcare center, and an adjacent public ball field entrance. These combine to bring children to the area. In addition, there is a stop sign at one end and a traffic signal at the other end. Considering all these factors, the Commissioner asked Mr. Castillo if he sincerely believed 30 mph was an appropriate speed on Blueridge.

Mr. Castillo answered that the businesses are set well back from the street. He pointed out that the 85<sup>th</sup> percentile is already nearly 35 mph with no apparent problems. Mr. Castillo said he drives Blueridge everyday and 30 mph is a comfortable and prudent driving speed.

Commissioner Clark asked if Mr. Castillo had any comments on the speed humps on Greenbrier near Intel.

Mr. Castillo commented that, typically, drivers need to slow to about 25 mph to go over the speed humps.

Commission discussion turned to the history and reason for installing speed humps on Greenbrier near the Blueridge intersection. Mr. Wooley thought they were installed about 1997 or 1998. He said Intel Corporation requested and paid for the speed humps. The humps were installed to protect Intel staff who walk across Greenbrier as they move between office buildings located on both sides of the street.

Mr. Castillo added that Beaverton Police have been issuing speeding citations on these three streets, especially in the past six months. Mr. Castillo said he frequently observes drivers who do not yield to pedestrians on these streets. He hopes that once a legal speed limit is established for these three streets, Beaverton Police will also take an interest in enforcing the "yield to pedestrians" law.

**Staff Comments**

Mr. Wooley said he had no additional comments but could answer Commissioner questions.

Commissioner Clark asked who had requested the speed humps on Greenbrier.

Mr. Wooley answered that Intel Corporation requested and paid for the speed humps.

*Chairman Knees closed the public hearing on Issues TC 565, 566, and 567.*

**Commission Deliberation**

Commissioner Overhage said that she lives nearby and her family regularly walks, jogs, and bicycles these streets. She also frequents businesses in this area. Beginning with Greenbrier (TC 565), she said 25 mph would be too slow for this street, but she definitely would not want the speed to be higher than 30 mph. Reasons for this include traffic congestion at the end of the business day, pedestrians, and bicyclists who ride to and from jobs in the business park. She noted that in a letter of testimony, Mr. Alex Schreiner asked the Commission to set the speed limit at 40 mph. Commissioner Overhage believes that is far too fast for these conditions.

Commissioner Overhage thinks 25 mph is a reasonable speed on Blueridge (TC 566) because the businesses attract children. She added that the immediate recreation area includes a skateboard park. Youthful patrons of that park might not use completely sound judgment about traffic. Commissioner Overhage also observed a heavily used bus stop. That means increased pedestrian activity.

Commissioner Overhage thinks 25 mph is an appropriate speed on Waterhouse near 158<sup>th</sup> (TC 567). She is a frequent customer at the gas station on the corner and said that on four different occasions she has nearly been hit by speeding cars as she exits onto Waterhouse. The Commissioner noted that the line of sight distance is very short there, and it is challenging to exit the station turning either right or left. She supports all three staff recommendations.

Commissioner Teitelbaum said he agrees with Commissioner Overhage's reasoning. He has observed these streets at various times this week. He noted that Greenbrier is curved in design and it has a "surprising amount of cross traffic with intersections and driveways." The Commissioner admitted that he is not known for being a slow driver; nevertheless, he found it difficult to safely drive more than 30 mph on Greenbrier (TC 565). He thinks 25 mph is a reasonable speed for Blueridge (TC 566) based on the amount of youthful pedestrian traffic and the street's limited length. As for Waterhouse (TC 567), the amount of business traffic requires a speed no higher than 25 mph.

Commissioner Clark said she was not familiar with these streets prior to preparing for this public hearing. She did not feel comfortable driving 30 mph on Greenbrier. The Commissioner noted that, typically, the City installs speed humps to keep traffic speeds at 25 mph. It seems odd that they are now considering a proposal to increase the speed limit to 30 mph. She supports the 25 mph staff recommendation for the two other streets.

Commissioner Isaak has worked in this business park and is familiar with these three streets. She agrees with the staff recommendations for a 25 mph speed limit on Blueridge and Waterhouse. These streets are short, curved, and very busy. As for Greenbrier, she thinks Mr. Castillo makes a good point that cars are now safely traveling at the 85<sup>th</sup> percentile, near 35 mph. She noted that on all three streets drivers are going much faster than the staff recommendation. Commissioner Isaak said the speed limits suggested by staff would work as a "tempering agent." She supports the recommendations.

Commissioner Clodfelter said he drove Greenbrier at 30 mph and was surprised to find that his car "bottomed out" when crossing the speed humps. He believes the speed humps were installed because drivers were speeding. Raising the speed limit nullifies that effort. He believes all three streets should be posted at 25 mph.

Commissioner Crocker said she drove Greenbrier one evening at dusk and found it difficult to see the street signs and identify her destination because of the cross streets and cross traffic. She also observed several pedestrians. Commissioner Crocker concluded that 30 mph is a reasonable speed on Greenbrier. She can understand why someone very familiar with these streets might favor a slightly higher speed.

Commissioner Crocker asked staff if the speed humps on Greenbrier were constructed using the standardized template designed by the Transportation Division.

Mr. Khasho answered that the Greenbrier humps used the same template, but the construction method was slightly different. They are possibly a bit higher.

Commissioner Crocker said that matched her field observations. If the speed humps were slightly modified, they might be easier to travel over at 30 mph. Commissioner Crocker agrees with the 25 mph recommendation for Blueridge and Waterhouse. She said transitioning from 25 mph on Blueridge and Waterhouse to 30 mph on Greenbrier is a more reasonable step than transitioning from 25 mph to 35 mph on the same streets.

Chairman Knees observed that this hearings' purpose is to recommend to the State preferred speed limits for these three streets. They are not actually setting new speed limits tonight.

Mr. Wooley agreed, saying that it is always possible the State will come to a different conclusion as to the best speed. State regulations require that a city first recommend a speed to begin the inquiry process. Mr. Wooley said he "could almost guarantee" the State would accept 35 mph as a speed limit on Greenbrier if the City recommends 35 mph. He also thinks it likely that the State would accept 30 if that is the recommendation. He thinks it is unlikely that the State would accept a 25 mph recommendation on Greenbrier because 25 mph differs too far from the 85<sup>th</sup> percentile.

Chairman Knees asked if staff received any input on this issue from Intel.

Mr. Wooley said they did not. He did speak with the leasing manager for the company that owns most of the property in the business park. The property manager distributed the notice of this hearing to all stakeholders. In addition, Mr. Wooley said there were large public notice signs posted beside the roadways on Greenbrier, Blueridge, and Waterhouse.

Chairman Knees concurred with the other Commissioners on the recommended 25 mph speed on Blueridge and Waterhouse. Based on the number of intersections and access points on Greenbrier, the Chairman believes it would not be prudent to recommend a speed higher than 30 mph for that roadway.

The Chairman called for a motion.

Commissioner Teitelbaum **MOVED** and Commissioner Clark **SECONDED** a **MOTION** to recommend to the State a 30 mph speed limit on NW Greenbrier Parkway (TC 565), a 25 mph speed limit on NW Blueridge Drive east of 158<sup>th</sup> Avenue (TC 566), and a 25 mph speed limit on NW Waterhouse Avenue east of 158<sup>th</sup> Avenue (TC 567).

There was no further discussion. The **MOTION CARRIED** unanimously, 7:0.

Commissioner Overhage **MOVED** and Commissioner Teitelbaum **SECONDED** a **MOTION** to approve the draft final written orders on Issues TC 565, 566, and 567 as written.

There was no further discussion. The **MOTION CARRIED** unanimously, 7:0.

— EXCERPT END —

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Design and Construction Engineering Services Contract Award – Summer Creek Sanitary Sewer Trunk Relocation Project

**FOR AGENDA OF:** 11-8-04 **BILL NO:** 04226

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** Engineering *[Signature]*

**DATE SUBMITTED:** 10-26-04

**CLEARANCES:** Purchasing *[Signature]*  
Finance *[Signature]*  
City Attorney *[Signature]*  
Operations *[Signature]*

**PROCEEDING:** Consent Agenda  
(Contract Review Board)

**EXHIBITS:** 1. Location (2) Maps (1A & 1B)  
2. Scope of Work

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$65,388	BUDGETED \$446,300*	REQUIRED \$0

\* Budget Account Number 502-75-3850-683 Sanitary Sewer Fund, Maintenance & Replacement Program, Construction Design & Engineering Inspection. This line item contains funding for engineering of multiple budgeted projects.

**HISTORICAL PERSPECTIVE:**

In spring 2004, during routine maintenance activities, the Operations Department field crews for sanitary sewer discovered that approximately 50 lineal feet of a PVC 18-inch diameter sanitary sewer pipe had been exposed by erosion from Beaverton's Summer Creek. The 18-inch Summer Creek Trunk Sewer (also known as the Weir 2 Trunk Sewer) is buried along and below meandering Summer Creek on the south side of the new Progress Quarry (aka Ridge) development (See Exhibit 1A). Apparently, the gravel pipe backfill covering the sanitary sewer has been eroded by the deeply cut and meandering creek exposing the pipe. Once the weight of the gravel backfill over the sewer pipe was reduced, buoyant forces of air trapped inside the pipe pushed the pipe upward causing a detrimental uneven grade in the gravity sewer trunk line. If not corrected, the deflected pipe and pipe joints could cause the sewer pipe to fail and release raw sewage into Summer Creek.

The section of Summer Creek Sewer Trunk in this location was constructed in 1989 by Clean Water Services (formerly Unified Sewerage Agency) to serve upstream development. The project was located outside the city limits at the time of construction and has since been annexed. The subject section of sewer pipe falls within the development boundary of the Progress Quarry project, but the pipe damage is unrelated to the new private development. Review of the original Clean Water Services (CWS) design drawings of the section of Summer Creek Sewer Trunk now in jeopardy, reveals that backfill cover over the pipe was generally 5 feet or less at the time of construction. The original design attempted to address the potential erosion effects of the creek on the pipe by placing 12 inches of rock riprap (generally less than 8-inch diameter) over the native backfill and using higher strength pipe than standard design.

Field inspection of this area confirmed the placement of the designed riprap (large) rock and pipe. Unfortunately, the creek channel has sustained heavy erosion and is now deeply cut with unstable stream banks. The erosion effects of the creek have now endangered the integrity of the sewer trunk line. In late March 2004, the City's Operations Department flushed and videotaped the interior of the

affected sewer trunk. The field inspection and video inspection show that four consecutive pipe joints have abnormal deflection. Additional field inspection by City staff and the engineering consultant Tetra Tech/KCM discovered an additional exposed pipe section beyond the initial 50 lineal feet mentioned earlier. Based on the video scans of the pipe interior and field observations, it was determined that further investigation was necessary to thoroughly analyze the sewer trunk damage and evaluate alternatives and costs for corrective action. That evaluation was completed in July 2004 by Tetra Tech/KCM under an administrative contract.

#### **INFORMATION FOR CONSIDERATION:**

Results of the "Summer Creek Trunk Sewer Pipeline Relocation Study, July 2004" produced three alternatives to restore the trunk sanitary sewer line (see attached Exhibit 1B). The first two alternatives studied were lower cost options, but are considered temporary because both do not relocate the entire section of trunk line that lies along and under the active creek bed. These two alternatives would require more extensive work in the creek riparian zone with a more complicated permitting process through the US Corps of Engineers and Oregon Division of State Lands. Both Alternatives Nos. 1 and 2 are considered temporary since Summer Creek will most likely continue to erode and the thread of the stream to meander, eventually affecting the remaining section of the sewer trunk line.

Alternative 3, with an estimated construction cost of \$385,000, consists of relocating all of the approximately 1,316 feet of pipe, which runs along and under the creek bed, into SW Barrows Road right of way. The new location alignment would put the relocated sewer line approximately 50 feet away from the creek under what is now Barrows roadway over the entire length of the existing exposed pipe area and the potential erosion area. This alternative has the advantage of the least pipeline construction in the creek riparian zone. (Barrows Road will eventually be relocated, and the current roadway converted to a pedestrian path, as a part of the Progress Quarry development.)

Staff reviewed the consultant recommendations presented in the "Summer Creek Trunk Sewer Pipeline Relocation Study" and agree with the findings that Alternative No. 3 is the best long-term option to pursue for the current sewer repairs and future erosion threat to the pipeline.

Alternative No. 3 will require some construction in the stream, necessitating a joint US Corps of Engineers and Oregon Division of State Lands permit. These permits limit the in stream construction period from July 15 to September 15. Due to the required time to advertise, bid and award a project of this nature, it is essential that the City award and start construction prior to the next fiscal year to meet the in stream construction period.

The described sewer trunk damage was discovered near the end of the FY 2004-05 budget process just before the current budget was adopted. Staff did not have enough information at that time to accurately produce a cost estimate and budget a restoration project and therefore funding for this project was not included in the FY 2004-05 CIP sewer project list. At this time, staff estimates that construction for the project will total \$400,000, including contingency and internal engineering overhead.

To complete engineering services for design and construction of the recommended relocation of Summer Creek Sewer Trunk, staff requested a proposal from Tetra Tech/KCM. The proposed scope of work is attached. The proposed engineering services total \$65,388. Tetra Tech/KCM is on the latest Professional Services Retainer List as approved by Council on August 9, 2004. Staff reviewed the proposal and found the tasks and associated fees to be consistent with information submitted by the firm to qualify for the current Professional Services Retainer List and with previous contracts awarded to the firm. Funding of the recommended contract to Tetra Tech/KCM in the amount of \$65,388 is available in the Budget Account No. 502-75-3850-683 noted above and as listed in the CIP for "Miscellaneous Projects during the fiscal year."

Since this project is of critical timing, staff proposes funding of the engineering and construction in the current fiscal year. Funding of construction of the project is available in the Sewer Fund, due to the

postponement of the CIP project: "Larch Maple Beech Area Sanitary Utility Improvement Project." Construction of that CIP project is being postponed by a year to allow coordinating sanitary sewer and storm cost sharing with Clean Water Services. The Larch Maple Beech Area Sanitary Utility Improvement Project will be re-budgeted for FY 2005-06. The construction funds 502-75-3850-682 (\$550,000) from the postponed project are recommended to be utilized to instead fund the Summer Creek Sewer Trunk construction. A request to the Finance Department to rename the Larch Maple Beech Area Sanitary Utility Improvement Project listed in the CIP to the Summer Creek Sanitary Sewer Trunk Relocation Project is currently being made.

**RECOMMENDED ACTION:**

Council, acting as Contract Review Board, award a contract to Tetra Tech/KCM Incorporated of Tigard, Oregon, in the amount of \$65,388 to provide engineering services as defined in the attached scope of work for the subject project. The contract is to be consistent with the provisions of the Professional Service Retainer Agreement and in a form approved by the City Attorney.

# VICINITY MAP

Summer Creek Trunk  
Sewer Pipeline Relocation  
Oct 2004





**CITY OF BEAVERTON  
SUMMER CREEK TRUNK SEWER RELOCATION  
SCOPE OF WORK**

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The following tasks outline our proposed scope of work to provide design, bidding and construction administration assistance to the City for the relocation of a portion of the Summer Creek Trunk Sewer. This scope of work is based on the City's selection of Alternative 3 as presented in the Summer Creek Trunk Sewer Pipeline Relocation Study (Tt/KCM, Inc., July 2004,). Generally, the project consists of construction of 1,320 feet of 18-inch sanitary sewer within the existing right-of-way of SW Barrows Road.

**TASK 1 - PROJECT MANAGEMENT**

**Subtask 1.1 Startup Meeting/Project Plan**

This subtask provides for project planning which sets forth goals and milestones to be accomplished during the course of the project, and is reviewed with the City staff at the start-up meeting allowing staff input into the project from the on-set. The startup meeting will focus on pre-design issues such as pipe alignment, design flows, utility conflicts, and project schedule.

**Subtask 1.2 Progress Reports/Invoices**

This subtask includes a monthly progress report accompanying each billing. Progress reports will accompany all invoices sent. This provides the City staff with information on the status of the project and the level of effort expended.

**Subtask 1.3 Progress Meeting**

There will be two meetings scheduled during the design of the project to keep City Staff up to date on design issues and concerns. The meetings are scheduled to occur at Preliminary Design (50%), and 90% Design.

**Subtask 1.4 Subconsultant Coordination**

This subtask includes coordination of subconsultants. This task provides the necessary supervision to assure the work of the surveying subconsultants is appropriately integrated into the design effort.

**Subtask 1.5 Quality Assurance QA/QC**

Tt/KCM in-house quality assurance provides for an independent review by a senior engineer separate from the project team. The quality assurance review includes a review of the predesign memorandum and a buildability and constructability review at the 90% complete stage.

**TASK 2 – PREDESIGN**

**Subtask 2.1 Field Survey Services (CES/NW)**

Field survey services will include locating all surface features pertinent to design as well as any marked underground utilities in the design corridor. Available property monumentation will be located with approximate location of right-of-way line delineated.

Elevations will be based on vertical control tied to either a City of Beaverton or Washington County Survey benchmark (USGS vertical datum). The final product of this subtask will be survey base drawings in AutoCAD format.

**Subtask 2.2 Geotechnical Investigations (Foundation Engineering Inc.)**

Geotechnical investigations services includes exploration of subsurface conditions with three borings located within the SW Barrows Road right of way. The borings will be completed to a depth of 28 feet each using hollow stem augers or mud rotary drilling. An estimate of the groundwater elevation will be recorded during drilling. A geotechnical engineer from Foundation Engineering, Inc will log the borings in the field. The results of the exploration will be summarized on the boring logs. Laboratory testing is planned to include natural water content, Atterberg limits tests and bulk density. An assessment of construction dewatering requirements and options will be presented.

The results of the subsurface investigation will be summarized in a geotechnical data report. The report will include a summary of the work performed, a discussion of the subsurface conditions at the borings and the results of the laboratory testing. Summary boring logs will be attached to the report.

**Subtask 2.3 Confirm Sewer Design Flows**

The CWS Update 2000 Plan includes urban growth boundary expansion areas contributing flows to the Summer Creek Trunk. A meeting with Clean Water Services will be held to discuss and identify any changes in future UGB assumptions which may effect design flows in the Summer Creek Trunk. A technical memorandum will be issued that documents the work performed and conclusions reached. Sewer system modeling work is not included in this subtask.

**Subtask 2.4 Permit Acquisition**

Construction Permits from DSL/COE will be required. Onsite meetings with COE/DSL staff will be conducted during predesign to identify any relevant design requirements or issues. The necessary permit documents will be prepared and submitted. Any permit fees will be paid by the City.

**TASK 3 - DESIGN**

**Subtask 3.1 Preliminary Design**

Eight design sheets are expected in the design package and are identified below. All sanitary sewer design will be presented on plan and profile drawings (1"=20' horizontal and 1"=5' vertical scale). At approximately 50% completion a preliminary design package will be submitted to the City. This will include preliminary construction drawings and cost estimate. Comments from the City will be incorporated into the final design.

Sheet No.	Description
1	Cover Sheet, Sheet Index
2	Legend, Abbreviations
3	General Notes
4 – 6	Pipeline Plan and Profile Sheets
7	Details
8	Details

**Subtask 3.2 90% Design Drawings**

This task includes preparation of 90% construction drawings for the project. Four sets of drawings will be submitted to the City for review.

**Subtask 3.3 90% Technical Specifications and Bid Documents**

This task includes the preparation of a 90% bid document package. The specifications will be based on the APWA/ODOT Standard Specifications. One copy will be submitted to the City for review.

**Subtask 3.4 90% Cost Estimate**

A 90% cost estimate will be prepared to update the cost estimate provided at the preliminary design stage.

**Subtask 3.5 Final Design Review**

Concurrently with the City's 90% review, Tt/KCM will perform an internal quality assurance review.

**TASK 4 - CONSTRUCTION DOCUMENTS**

**Subtask 4.1 Final Design Drawings**

After comments are received from the City and the Tt/KCM internal quality assurance review, the final construction plan set will be prepared. Five (5) full size drawing sets will be provided as well as 2 "camera ready" half size sets for reproduction.

**Subtask 4.2 Final Specifications and Cost Estimate**

After comments are received from the City and the Tt/KCM internal quality assurance review, final technical specifications will be developed. Two "camera ready" copies (for reproduction) and electronic files will be delivered to the City along with a final cost estimate.

**TASK 5 - BIDDING AND CONSTRUCTION ADMINISTRATION ASSISTANCE**

It is assumed that the City will copy and distribute the construction documents. Tt/KCM can provide reproduction services for the cost of printing and binding.

**Subtask 5.1 Respond to Bidder's Questions**

Tt/KCM staff working on the project will answer questions arising from contractors and suppliers. These questions may be clarified over the telephone or may require the preparation of an addendum.

**Subtask 5.2 Issue Addenda/Clarifications**

Addenda will be prepared and issued as the need arises. These will provide clarifications to all planholders in the event of changes or the resolution of contractor's issues/questions.

**Subtask 5.3 Attend Meetings**

Tt/KCM will attend the pre-bid and pre-construction meetings for the project.

**Subtask 5.4 Review Submittals**

Material and product submittals and other required submittals will be reviewed with appropriate recommendations for action by the contractor.

**Subtask 5.5 Design Clarifications/Change Order Recommendations**

Tt/KCM will provide the City with design clarifications as necessary and assist the City with change order recommendations.

**Subtask 5.6 Prepare Record Drawings**

Final record drawings will be prepared using the final design drawings and the daily logs from the inspector. One reproducible set (4-mil mylar) and one computer file (AutoCAD) copy of the record drawings will be delivered to the City.

**TASK 6 – EXTRA WORK AS AUTHORIZED**

**Subtask 6.1 – Extra Work as Authorized**

This task will provide for unforeseen but necessary work during the project, and will be used only upon written authorization from the City Project Manager. This task will be budgeted at \$5,000.

## **SCHEDULE**

The following schedule assumes a 3 week review period by the City of the 90% complete contract documents:

Assumed Notice to Proceed – November 15, 2004

Completion of Predesign – January 15, 2005

90% Complete Design Submittal – February 15, 2005

Final Bid Documents to City – March 15, 2005

Advertise for Bids – March 30, 2005

Construction Contract Award – May 7, 2005

Construction Notice to Proceed – June 1, 2005

Project Completion – August 15, 2005

TetraTech/KCM - Estimate of Professional Services  
 City of Beaverton

No. : 8430018  
 Date : 9/30/2004

Engineering Services for Summer Creek Trunk Sewer Relocation

Description						Subconsultants		
	Senior Engineer Proj. Mang.	Project Engineer	Professional Staff	Technical Staff	Admin Staff	Tt/KCM Cost / Task	Field Survey CES/NW	Geotechnical Survey FEI
<b>Task 1 Project Management</b>								
1.1 Startup/Project Plan	4					\$492		
1.2 Progress Reports/Invoices	2				4	\$546		
1.3 Progress Meetings (2)	6	6				\$1,314		
1.4 Subconsultant Coordination	4					\$492		
1.5 Quality Assurance QA/QC	6	6				\$1,314		
<b>Subtotal Task 1</b>	<b>22</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>\$4,158</b>	<b>\$0</b>	<b>\$0</b>
<b>Task 2 Predesign</b>								
2.1 Field Survey Services				6		\$450	\$6,270	
2.2 Geotechnical Investigations						\$0		\$8,300
2.3 Confirm Sewer Design Flows	16	16				\$3,504		
2.4 Permit Acquisition	6	16		4	2	\$2,724		
<b>Subtotal Task 2</b>	<b>22</b>	<b>32</b>	<b>0</b>	<b>10</b>	<b>2</b>	<b>\$6,678</b>	<b>\$6,270</b>	<b>\$8,300</b>
<b>Task 3 Design</b>								
3.1 Preliminary Design	12	45		54		\$9,846		
3.2 90% Design Drawings	12	38		46		\$8,574		
3.3 90% Specifications Submittal	4	12			4	\$1,944		
3.4 90% Cost Estimate	2	6				\$822		
3.5 90% Final Design Review	6	4				\$1,122		
<b>Subtotal Task 3</b>	<b>36</b>	<b>105</b>	<b>0</b>	<b>100</b>	<b>4</b>	<b>\$22,308</b>	<b>\$0</b>	<b>\$0</b>
<b>Task 4 Construction Documents</b>								
4.1 Final Design Drawings	8	8		8		\$2,352		
4.2 Final Specifications and Cost Estimate	6	6				\$1,314		
<b>Subtotal Task 4</b>	<b>14</b>	<b>14</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>\$3,666</b>	<b>\$0</b>	<b>\$0</b>
<b>Task 5 Bidding and Construction Admin Assistance</b>								
5.1 Respond to Bidder's Questions	4					\$492		
5.2 Issue Addenda/Clarifications	4				1	\$567		
5.3 Attend Meetings	6	6				\$1,314		
5.4 Review Submittals	1	4				\$507		
5.5 Design Clarifications/Change Order Recommendations	8	6				\$1,560		
5.6 Prepare Record Drawings	4	4		8		\$1,476		
<b>Subtotal Task 5</b>	<b>27</b>	<b>20</b>	<b>0</b>	<b>8</b>	<b>1</b>	<b>\$5,916</b>	<b>\$0</b>	<b>\$0</b>
<b>Task 6 Extra Work As Authorized</b>								
6.1 Extra Work As Authorized						\$5,000		
<b>Subtotal Task 4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$5,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Hours</b>	<b>121</b>	<b>183</b>	<b>0</b>	<b>126</b>	<b>11</b>	<b>\$47,726</b>	<b>\$6,270</b>	<b>\$8,300</b>
<b>Hourly Rate</b>	<b>\$123</b>	<b>\$96</b>	<b>\$78</b>	<b>\$75</b>	<b>\$75</b>			
<b>Subtotal</b>	<b>\$14,883</b>	<b>\$17,568</b>	<b>\$0</b>	<b>\$9,450</b>	<b>\$825</b>			
Total Wages (Including Overhead & Professional Fee)						\$47,726		
Tt/KCM Printing and Publications*						\$850		
Tt/KCM Other Expenses (Travel, Computer, Misc.)*						\$2,242		
Subconsultants						\$14,570		
<b>TOTAL</b>						<b>\$65,388</b>		

\* Where hourly rates serve as the basis for fee, they shall be subject to change annually to reflect changes in Tt/KCM salary levels  
 \* Tt/KCM annual salary adjustments typically occur during first quarter of calendar year.  
 \* Direct job expenses include 10% markup

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Known as Steele Park Located on the Eastside of SW 170th Avenue Immediately South of Elmonica Elementary School; CPA 2004-0011/ZMA 2004-0011

**FOR AGENDA OF:** ~~11/01/04~~ 11/08/04 **BILL NO:** 04217

**Mayor's Approval:** [Signature]

**DEPARTMENT OF ORIGIN:** CDD [Signature]

**DATE SUBMITTED:** 10/15/04

**CLEARANCES:** City Attorney [Signature]  
Planning Services HB

**PROCEEDING:** ~~First Reading~~  
Second Reading & Passage

**EXHIBITS:** Ordinance  
Exhibit A – Map  
Planning Commission Order No. 1746  
Draft PC Minutes of 09/29/04 Hearing  
Staff Report Dated 09/13/04

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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**HISTORICAL PERSPECTIVE:**

On September 29, 2004, the Planning Commission held a public hearing on the request to assign a Comprehensive Plan Land Use Map designation and Zoning Map designation to property previously annexed to the City through a different process. The request is to designate this parcel Neighborhood Residential – Standard Density (NR-SD) on the City's Comprehensive Plan Land Use Map and to designate it Residential – 7,000 square feet of land area minimum per unit (R-7) on the Zoning Map. The Planning Commission voted to approve the requests as submitted. These decisions have not been appealed.

The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

**INFORMATION FOR CONSIDERATION:**

These Comprehensive Plan Land Use Map and Zoning Map Amendments are to assign designations for a parcel that has been annexed into the City and are governed by the Washington County – Beaverton Urban Planning Area Agreement (UPAA). In this case, the UPAA was not specific as to the appropriate Land Use Map and Zoning Map designations and discretion was necessary to assign our most similar designations to the County's designations.

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

**RECOMMENDED ACTION:**

~~First Reading~~  
Second Reading & Passage

ORDINANCE NO. 4327

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY KNOWN AS STEELE PARK LOCATED ON THE EASTSIDE OF SW 170TH AVENUE IMMEDIATELY SOUTH OF ELMONICA ELEMENTARY SCHOOL; CPA 2004-0011/ZMA 2004-0011

**WHEREAS,** The intent of the proposed amendments to the Comprehensive Plan Land Use Map and Zoning Map is to assign appropriate City land use designations to a parcel annexed into the City through a different process; and

**WHEREAS,** On September 29, 2004, the Planning Commission held a public hearing to consider these amendments to the Comprehensive Plan Land Use and Zoning Maps and voted to recommend approval of the Neighborhood Residential – Standard Density Comprehensive Plan Land Use Map designation and the Residential – 7,000 square feet of land area minimum per unit (R-7) Zoning Map designation in place of the County designation of Transit Oriented: Residential 9-12 units per acre (TO: R 9-12); and

**WHEREAS,** The Council incorporates by reference the Community Development Department staff report on CPA 2004-0011/ZMA 2004-0011 by Senior Planner Alan Whitworth, dated September 13, 2004; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject property known as Steele Park (Tax Map 1S106AD, Tax Lot 22700), Neighborhood Residential – Standard Density (NR-SD) on the Comprehensive Plan Land Use Map, as shown on Exhibit “A”, in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA).

**Section 2.** Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1 Residential – 7,000 of square feet of land per dwelling unit (R-7), as shown on Exhibit “A”, in accordance with the UPAA.

First reading this 1st day of November, 2004.  
Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2004.  
Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

APPROVED:

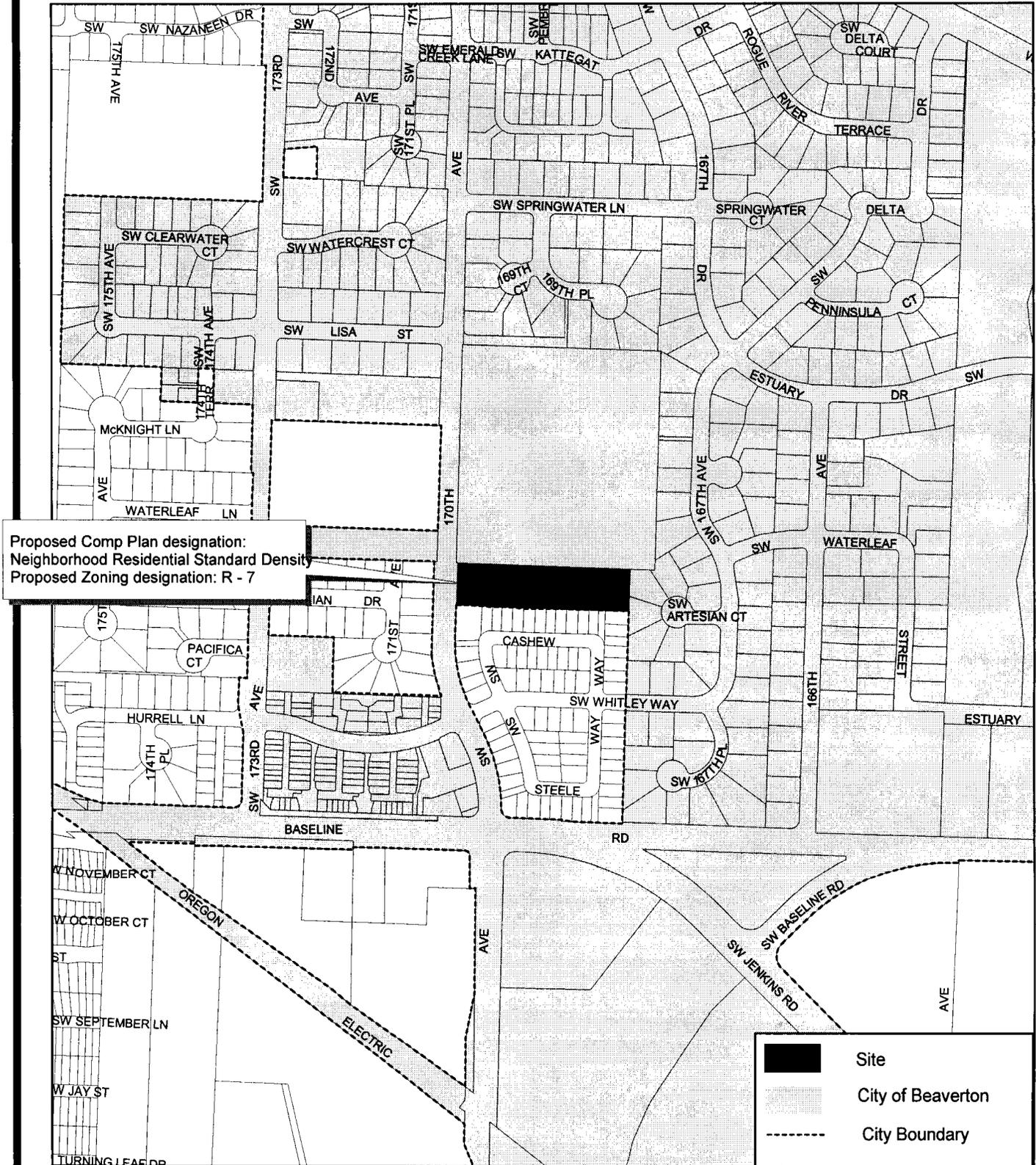
\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

# CPA/ZMA MAP

Ordinance No. 4327

Exhibit "A"



City of Beaverton

Steele Park Comprehensive Plan Land Use Map  
 Amendment & Zoning Map Amendment  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
 Planning Services Division

7/29/04

Map #

1s106ad22700



Application #  
 CPA 2004-0011/  
 ZMA 2004-0011

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

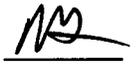
**SUBJECT:** An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Peck Park/TVF&R Station 61 which is Nine Parcels Located Along SW Murray Blvd.; CPA 2004-0014/ZMA 2004-0014

11/08/04  
**FOR AGENDA OF:** ~~11/01/04~~ **BILL NO:** 04218

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 10/04/04

**CLEARANCES:** City Attorney   
Planning Services HB

**PROCEEDING:** ~~First Reading~~  
Second Reading & Passage

**EXHIBITS:** Ordinance  
Exhibit A - Map  
Exhibit B - Staff Report Dated 09/23/04

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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**HISTORICAL PERSPECTIVE:**

This ordinance is before the City Council to assign City Comprehensive Plan Land Use Map and Zoning designations for the subject parcels, replacing the Washington County land use designations.

The Urban Planning Area Agreement (UPAA) is specific on the appropriate Land Use Map and Zoning Map designations for these nine parcels, thus no public hearing is required. The appropriate Land Use Map designation is Neighborhood Residential – Standard Density (NR-SD), and the appropriate Zoning Map designation is Residential – 7,000 square foot minimum per dwelling unit (R-7). The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

**INFORMATION FOR CONSIDERATION:**

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

**RECOMMENDED ACTION:**

~~First Reading~~  
Second Reading & Passage

**ORDINANCE NO. 4328**

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PECK PARK/TVF&R STATION 61 WHICH IS NINE PARCELS LOCATED ALONG SW MURRAY BLVD.; CPA 2004-0014/ZMA 2004-0014

- WHEREAS,** These parcels have been annexed to the City of Beaverton, thus they are being redesignated in this ordinance from the County's land use designations to the closest corresponding City designations as specified by the Urban Planning Area Agreement (UPAA); and
- WHEREAS,** Since the UPAA is specific on the appropriate designations for these parcels, no public hearing is required; and
- WHEREAS,** The Council adopts as to criteria applicable to this request and findings thereon the Community Development Department staff report by Senior Planner Alan Whitworth, dated September 23, 2004, attached hereto as Exhibit B; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

- Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject parcels that are identified on tax map 1S104AC as lot 2600; tax map 1S104BA as lots 8200, 8300 and 8400; tax map 1S104BD as lots 7300 and 7400; and tax map 1S104CB as lots 100, 601 and 1300; Neighborhood Residential - Standard Density on the City of Beaverton Comprehensive Plan Land Use Map, as shown on Exhibit "A" and in accordance with the UPAA.
- Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate the same properties in Section 1 Residential - 7,000 square foot minimum of land area per dwelling unit (R-7) on the City of Beaverton Zoning Map, as shown on Exhibit "A" and in accordance with the UPAA.

First reading this 1st day of November, 2004.  
Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2004.  
Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

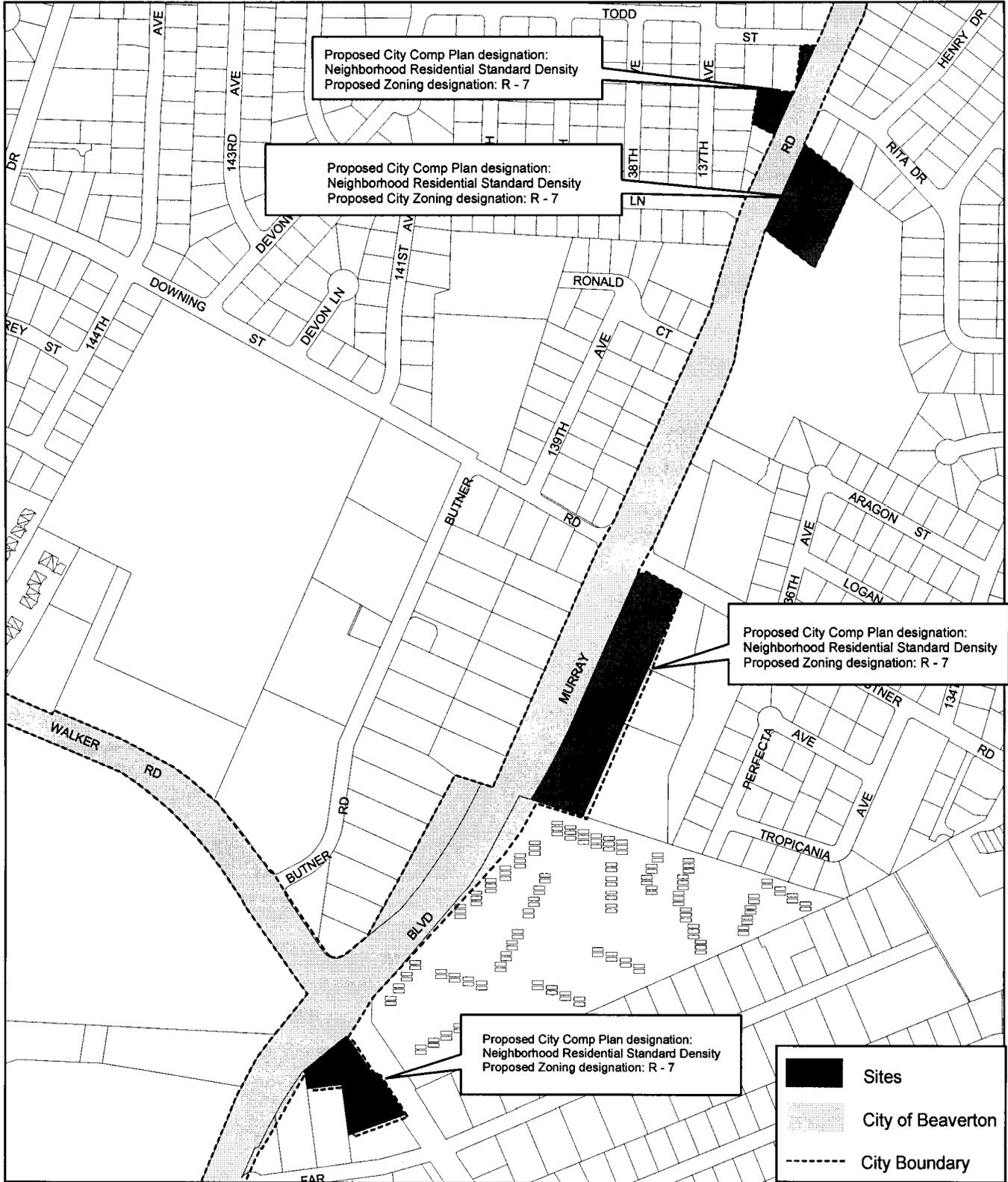
APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

# CPA/ZMA MAP

Ordinance No. 4328 Exhibit "A"



City of Beaverton

Peck Park/Tualatin Valley Fire & Rescue Station 61 Comprehensive Plan Land Use Map Amendment & Zoning Map Amendment

COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division

08/10/04

Map #  
various



Application #  
CPA 2004-0014/  
ZMA 2004-0014

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located at 12030 SW Center Street; CPA 2004-0015/ZMA 2004-0015

**FOR AGENDA OF:** <sup>11/08/04</sup>~~11/01/04~~ **BILL NO:** 04219

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** CDD *[Signature]*

**DATE SUBMITTED:** 10/04/04

**CLEARANCES:** City Attorney *[Signature]*  
Planning Services *[Signature]*

**PROCEEDING:** First Reading  
Second Reading & Passage

**EXHIBITS:** Ordinance  
Exhibit A - Map  
Exhibit B - Staff Report Dated 09/23/04

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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**HISTORICAL PERSPECTIVE:**

This ordinance is before the City Council to assign City Comprehensive Plan Land Use Map and Zoning designations for the subject property, replacing the Washington County land use designations.

The Urban Planning Area Agreement (UPAA) is specific on the appropriate Land Use Map and Zoning Map designations for this parcel, thus no public hearing is required. The appropriate Land Use Map designation is Neighborhood Residential – High Density (NR-HD), and the appropriate Zoning Map designation is Residential – 1,000 square foot minimum land area per dwelling unit (R-1). The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

**INFORMATION FOR CONSIDERATION:**

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

**RECOMMENDED ACTION:**

~~First Reading~~  
Second Reading & Passage

**ORDINANCE NO.** 4329

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED AT 12030 SW CENTER STREET; CPA 2004-0015/ZMA 2004-0015

- WHEREAS,** This property is being annexed to the City of Beaverton, through a separate process, thus the property is being redesignated in this ordinance from the County's land use designations to the closest corresponding City designations as specified by the Urban Planning Area Agreement (UPAA); and
- WHEREAS,** Since the UPAA is specific on the appropriate designations for this parcel, no public hearing is required; and
- WHEREAS,** The Council adopts as to criteria applicable to this request and findings thereon the Community Development Department staff report by Senior Planner Alan Whitworth, dated September 23, 2004, attached hereto as Exhibit B; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

- Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject property located at 12030 SW Center Street (Tax Map 1S110CC, Lot 00100) Neighborhood Residential - High Density on the City of Beaverton Comprehensive Plan Land Use Map, as shown on Exhibit "A" and in accordance with the UPAA.
- Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate the same property in Section 1 Residential – 1,000 square foot minimum per dwelling unit (R-1) on the City of Beaverton Zoning Map, as shown on Exhibit "A" and in accordance with the UPAA.

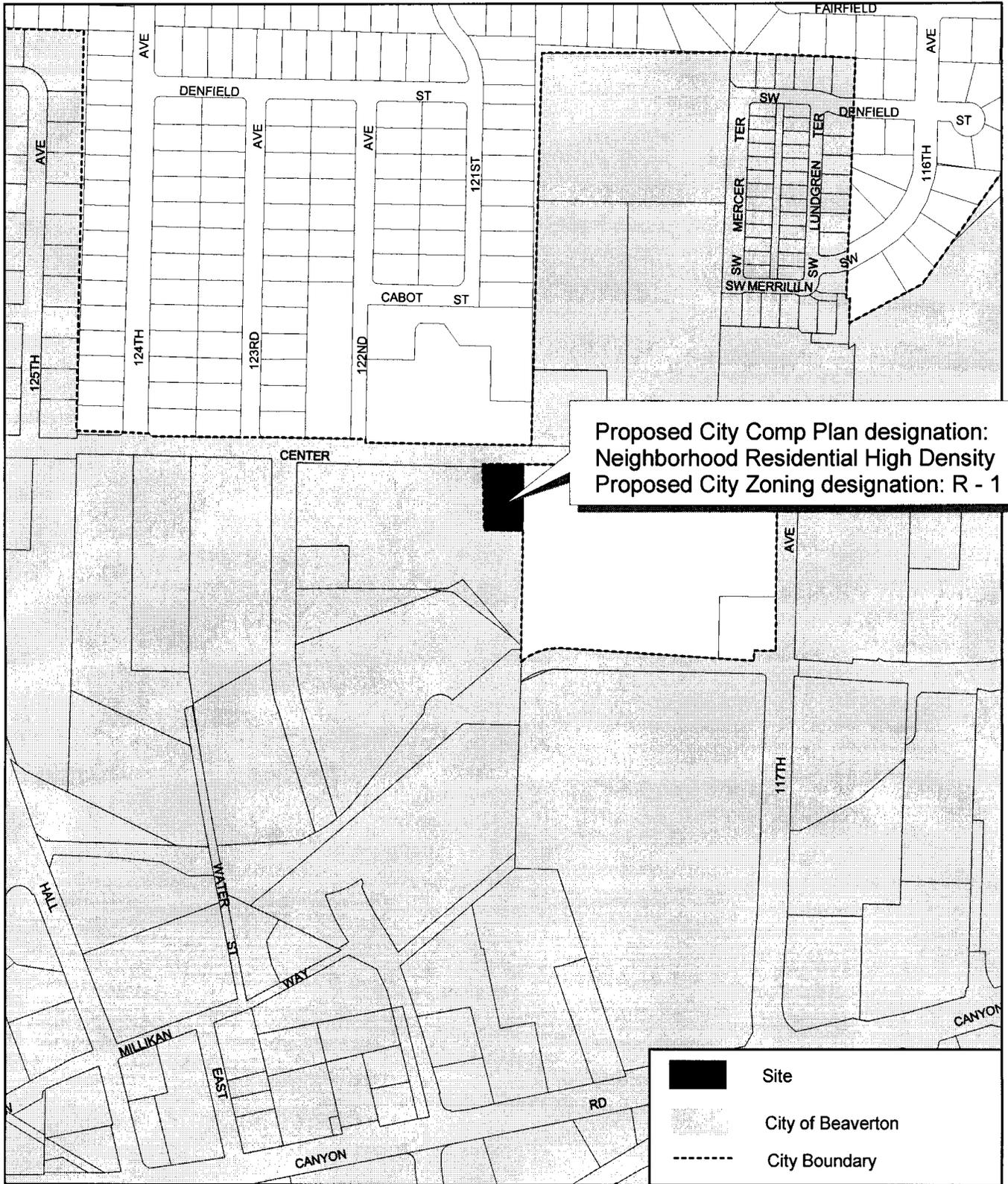
First reading this 1st day of November, 2004.  
Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2004.  
Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor



City of Beaverton

12030 SW Center Street Comprehensive Plan Land Use Map Amendment & Zoning Map Amendment  
 COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

08/25/04

Map #

1s110cc00100



Application #

CPA 2004-0015/  
ZMA 2004-0015

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Amending Chapter 5 of the Beaverton Code to Add a New Section 5.16 Relating to Civil Rights.

**FOR AGENDA OF:** 11/08/04 **BILL NO:** 04227

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** Human Resources *[Signature]*

**DATE SUBMITTED:** 10/27/04

**CLEARANCES:** City Attorney *[Signature]*

**PROCEEDING:** PUBLIC HEARING

**EXHIBITS:** Beaverton Civil Rights Ordinance

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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**HISTORICAL PERSPECTIVE:**

On October 11, 2004, the Human Rights Advisory Commission presented to the City Council a proposed Civil Rights Ordinance for the City of Beaverton that would make it unlawful to discriminate on the basis of sexual orientation and gender identity. Following the presentation was a work session for initial discussion of the draft proposals. The Mayor and City Council supported conducting a public hearing because the Council desires to have citizens comment on this important public issue. The public hearing shall follow the City Council rules and procedures of Section 2.11 of the Beaverton Code.

**INFORMATION FOR CONSIDERATION:**

Oregon statutory law explicitly prohibits discrimination in employment, housing, and public accommodations based on many factors, including race, religion, color, sex, marital status, national origin, age, disability and source of income. Additionally, since 1998, Oregon case law has prohibited state and local governments from discriminating on the basis of sexual orientation.

Among the Oregon cities and counties that have passed ordinances prohibiting discrimination based on both sexual orientation and gender identify are Benton County, Multnomah County, and the cities of Portland, Salem, Lake Oswego, and Bend. The cities of Ashland and Eugene have passed ordinances prohibiting discrimination based on sexual orientation.

In October 2003, the HRAC approached the Mayor and asked about passing a Civil Rights Ordinance to protect citizens from discrimination on the basis of sexual orientation and gender discrimination. The Mayor asked that the Commission work with the City Attorney's Office to produce a draft ordinance. The ordinance prepared by the City Attorney's Office and approved by the HRAC is attached. The draft ordinance is modeled from the ordinances passed by the jurisdictions listed above.

**RECOMMENDED ACTION:**

Conduct public hearing. Following the public hearing, have the first reading.

ORDINANCE NO. 4330

AN ORDINANCE AMENDING CHAPTER 5 OF THE  
BEAVERTON CODE TO ADD A NEW SECTION 5.16  
RELATING TO CIVIL RIGHTS.

**WHEREAS**, the City Council received a draft Civil Rights Ordinance from the Human Rights Advisory Commission at a Council work session with a recommendation that the City adopt this ordinance to fight discrimination in the City of Beaverton; and

**WHEREAS**, the City Council believes that discrimination exists in the City of Beaverton and that all forms of discrimination are detrimental to the well being and productivity of the citizens of Beaverton and the State of Oregon; and

**WHEREAS**, adoption of the proposed addition to the Beaverton Code attached as Exhibit "1", demonstrates the City's resolve to combat discrimination where it exists in the City of Beaverton. Now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

Chapter 5 of the Beaverton Code is amended to include a new Section 5.16, attached hereto as Exhibit "1".

First reading this \_\_\_ day of \_\_\_\_\_, 2004.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 2004.

Approved by the Mayor this \_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

## CIVIL RIGHTS

**5.16.005 Short Title.** BC 5.16.005 - .060 shall be known and may be cited as the "Civil Rights Ordinance" and may also be referred to herein as "Section 5.16."

**5.16.010 Policy.** It is the policy of the City of Beaverton to eliminate discrimination based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income. Such discrimination threatens not only the rights and privileges of Beaverton citizens, but menaces the institutions and foundation of our community. Furthermore, the Mayor and City Council find that discrimination on the basis of sexual orientation and gender identity exists in the City of Beaverton and that state law does not clearly prohibit such discrimination. It is the intent of the Mayor and Council, in the exercise of their powers for the protection of the public health, safety, and general welfare and for the maintenance of peace and good government, that every individual shall have an equal opportunity to participate fully in the life of the City and that discriminatory barriers to equal participation in employment, housing, and public accommodation be removed.

**5.16.015 Definitions.** As used in Section 5.16, except where the context otherwise requires:

**Gender Identity** - A person's actual or perceived sex, including a person's identity, appearance, expression, or behavior with respect to actual or perceived sex, whether or not that identity, appearance, expression or behavior is different from that traditionally associated with the person's sex at birth.

**Sexual Orientation** - Actual or perceived heterosexuality, homosexuality, or bisexuality.

Any term used but not defined in Section 5.16 shall be interpreted consistently with definitions provided in Oregon Revised Statutes, Chapter 659A (2003).

**5.16.020 Unlawful Employment Practices.** It shall be an unlawful employment practice for any employer to discriminate on the basis of an individual's race, religion, color, sex, marital status, familial status, national origin, age (if the individual is 18 years of age or older), mental or physical disability, sexual orientation or gender identity by committing against any such individual any of the acts made unlawful under ORS 659A.030, 659A.100 to 659A.142.

**5.16.025 Unlawful Real Property Transactions Practices.** It shall be an unlawful real property transaction practice for any person to discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity or source of income

EXHIBIT 1

by committing against any such individual any of the acts made unlawful under ORS 659A.145 or 659A.421.

**5.16.030 Unlawful Public Accommodation Practices.** It shall be an unlawful public accommodation practice for a person to discriminate on the basis of an individual's race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity or source of income, by committing against any such individual any of the acts made unlawful under ORS 659A.142 or ORS 659A.400 to 659A.409.

**5.16.040 Exceptions.**

A. The prohibitions in Section 5.16 against discriminating on the basis of sexual orientation and gender identity do not apply to:

1. The leasing or renting of space within a church, temple, synagogue, religious school, or other facility used primarily for religious purposes.
2. The leasing or renting of a room or rooms within an individual living unit which is owned by the lessor as his or her primary residence.

B. The prohibitions in Section 5.16 against discriminating on the basis of source of income do not prohibit:

1. Inquiry into and verification of a source or amount of income.
2. Inquiry into, evaluation of, and decisions based on the amount, stability, security, or creditworthiness of any source of income.
3. Screening prospective purchasers and tenants on bases not specifically prohibited by this chapter or by state or federal law.
4. Refusal to contract with a governmental agency under 42

U.S.C. §1437f(a) "Section 8."

C. The prohibitions in subsection 5.16.025 against discriminating on the basis of age do not apply to housing for older persons, as defined in ORS 659A.421(7)(b) and (c).

D. The prohibitions in subsection 5.16.030 against discriminating on the basis of age or familial status do not apply to the use of special rates or services or to the promotion of business through the issuance of special rates for families with children, or persons 55 years of age or older.

E. Reasonable and appropriate accommodations shall be made to permit all persons access to restrooms consistent with their expressed gender. However, the prohibitions in Section 5.16 against discriminating on the basis of gender identity do not prohibit:

1. Health or athletic clubs or other entities that operate gender-specific facilities involving public nudity such as showers and locker rooms, from requiring an individual to document their gender or transitional status. Such documentation can include but is not limited to a court order, letter from a physician, birth certificate, passport, or driver's license.
2. Valid employer dress codes or policies, so long as the employer provides, on a case-by-case basis, for reasonable accommodation based on the health and safety needs of persons protected on the basis of gender identity.

EXHIBIT 1

**5.16.050 Administration and Enforcement.**

A. Enforcement of all or any part of Section 5.16 shall be governed by the procedures established in ORS Chapter 659A. The Mayor may adopt rules pursuant to BC 1.02.010 to implement enforcement and administration of this section.

B. Any person claiming to be aggrieved by an unlawful employment practice under subsection 5.16.020 or any person claiming to be aggrieved by an unlawful practice under subsections 5.16.025 or 5.16.030 relating to selling, renting or leasing real estate or discrimination in public accommodations, may file a complaint with the Commissioner under procedures established in ORS 659A.820.

C. The Commissioner may then proceed and shall have the same enforcement powers under Section 5.16, and if the complaint is found to be justified the complainant shall be entitled to the same remedies, as those provided under ORS 659A.835 to 659A.865.

D. Any order issued by the Commissioner of the Bureau of Labor and Industries under Section 5.16 shall be deemed as one issued by a municipal judge and shall be fully enforceable by the City.

E. Any person claiming to be aggrieved by an unlawful discriminatory act under the provisions of Section 5.16 shall have a cause of action in any court of competent jurisdiction for damages and such other remedies as may be appropriate. Election of remedies and other procedural issues relating to the interplay between administrative proceedings and private rights of action shall be decided as provided for in ORS 659A.870 to 659A.890. The court may grant such relief as it deems appropriate, including, but not limited to, such relief as is provided in ORS 659A.885.

**5.16.060 Severability.** The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance.

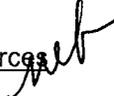
**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Amending Chapter 5 of the Beaverton Code to Add a New Section 5.16 Relating to Civil Rights.

**FOR AGENDA OF:** 11/08/04 **BILL NO:** 04228

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Human Resources 

**DATE SUBMITTED:** 10/27/04

**CLEARANCES:** City Attorney 

**PROCEEDING:** ORDINANCE FIRST READING

**EXHIBITS:** Beaverton Civil Rights Ordinance

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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**HISTORICAL PERSPECTIVE:**

On October 11, 2004, the Human Rights Advisory Commission presented to the City Council a proposed Civil Rights Ordinance for the City of Beaverton that would make it unlawful to discriminate on the basis of sexual orientation and gender identity. Following the presentation was a work session for initial discussion of the draft proposals. The Mayor and City Council supported conducting a public hearing because the Council desires to have citizens comment on this important public issue. The public hearing shall follow the City Council rules and procedures of Section 2.11 of the Beaverton Code.

**INFORMATION FOR CONSIDERATION:**

Oregon statutory law explicitly prohibits discrimination in employment, housing, and public accommodations based on many factors, including race, religion, color, sex, marital status, national origin, age, disability and source of income. Additionally, since 1998, Oregon case law has prohibited state and local governments from discriminating on the basis of sexual orientation.

Among the Oregon cities and counties that have passed ordinances prohibiting discrimination based on both sexual orientation and gender identify are Benton County, Multnomah County, and the cities of Portland, Salem, Lake Oswego, and Bend. The cities of Ashland and Eugene have passed ordinances prohibiting discrimination based on sexual orientation.

In October 2003, the HRAC approached the Mayor and asked about passing a Civil Rights Ordinance to protect citizens from discrimination on the basis of sexual orientation and gender discrimination. The Mayor asked that the Commission work with the City Attorney's Office to produce a draft ordinance. The ordinance prepared by the City Attorney's Office and approved by the HRAC is attached. The draft ordinance is modeled from the ordinances passed by the jurisdictions listed above.

**RECOMMENDED ACTION:**

First reading.

ORDINANCE NO. 4330

AN ORDINANCE AMENDING CHAPTER 5 OF THE  
BEAVERTON CODE TO ADD A NEW SECTION 5.16  
RELATING TO CIVIL RIGHTS.

**WHEREAS**, the City Council received a draft Civil Rights Ordinance from the Human Rights Advisory Commission at a Council work session with a recommendation that the City adopt this ordinance to fight discrimination in the City of Beaverton; and

**WHEREAS**, the City Council believes that discrimination exists in the City of Beaverton and that all forms of discrimination are detrimental to the well being and productivity of the citizens of Beaverton and the State of Oregon; and

**WHEREAS**, adoption of the proposed addition to the Beaverton Code attached as Exhibit "1", demonstrates the City's resolve to combat discrimination where it exists in the City of Beaverton. Now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

Chapter 5 of the Beaverton Code is amended to include a new Section 5.16, attached hereto as Exhibit "1".

First reading this \_\_\_ day of \_\_\_\_\_, 2004.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 2004.

Approved by the Mayor this \_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

## CIVIL RIGHTS

**5.16.005 Short Title.** BC 5.16.005 - .060 shall be known and may be cited as the "Civil Rights Ordinance" and may also be referred to herein as "Section 5.16."

**5.16.010 Policy.** It is the policy of the City of Beaverton to eliminate discrimination based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income. Such discrimination threatens not only the rights and privileges of Beaverton citizens, but menaces the institutions and foundation of our community. Furthermore, the Mayor and City Council find that discrimination on the basis of sexual orientation and gender identity exists in the City of Beaverton and that state law does not clearly prohibit such discrimination. It is the intent of the Mayor and Council, in the exercise of their powers for the protection of the public health, safety, and general welfare and for the maintenance of peace and good government, that every individual shall have an equal opportunity to participate fully in the life of the City and that discriminatory barriers to equal participation in employment, housing, and public accommodation be removed.

**5.16.015 Definitions.** As used in Section 5.16, except where the context otherwise requires:

**Gender Identity** - A person's actual or perceived sex, including a person's identity, appearance, expression, or behavior with respect to actual or perceived sex, whether or not that identity, appearance, expression or behavior is different from that traditionally associated with the person's sex at birth.

**Sexual Orientation** - Actual or perceived heterosexuality, homosexuality, or bisexuality.

Any term used but not defined in Section 5.16 shall be interpreted consistently with definitions provided in Oregon Revised Statutes, Chapter 659A (2003).

**5.16.020 Unlawful Employment Practices.** It shall be an unlawful employment practice for any employer to discriminate on the basis of an individual's race, religion, color, sex, marital status, familial status, national origin, age (if the individual is 18 years of age or older), mental or physical disability, sexual orientation or gender identity by committing against any such individual any of the acts made unlawful under ORS 659A.030, 659A.100 to 659A.142.

**5.16.025 Unlawful Real Property Transactions Practices.** It shall be an unlawful real property transaction practice for any person to discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity or source of income

EXHIBIT 1

by committing against any such individual any of the acts made unlawful under ORS 659A.145 or 659A.421.

**5.16.030 Unlawful Public Accommodation Practices.** It shall be an unlawful public accommodation practice for a person to discriminate on the basis of an individual's race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity or source of income, by committing against any such individual any of the acts made unlawful under ORS 659A.142 or ORS 659A.400 to 659A.409.

**5.16.040 Exceptions.**

A. The prohibitions in Section 5.16 against discriminating on the basis of sexual orientation and gender identity do not apply to:

1. The leasing or renting of space within a church, temple, synagogue, religious school, or other facility used primarily for religious purposes.
2. The leasing or renting of a room or rooms within an individual living unit which is owned by the lessor as his or her primary residence.

B. The prohibitions in Section 5.16 against discriminating on the basis of source of income do not prohibit:

1. Inquiry into and verification of a source or amount of income.
2. Inquiry into, evaluation of, and decisions based on the amount, stability, security, or creditworthiness of any source of income.
3. Screening prospective purchasers and tenants on bases not specifically prohibited by this chapter or by state or federal law.
4. Refusal to contract with a governmental agency under 42 U.S.C. §1437f(a) "Section 8."

C. The prohibitions in subsection 5.16.025 against discriminating on the basis of age do not apply to housing for older persons, as defined in ORS 659A.421(7)(b) and (c).

D. The prohibitions in subsection 5.16.030 against discriminating on the basis of age or familial status do not apply to the use of special rates or services or to the promotion of business through the issuance of special rates for families with children, or persons 55 years of age or older.

E. Reasonable and appropriate accommodations shall be made to permit all persons access to restrooms consistent with their expressed gender. However, the prohibitions in Section 5.16 against discriminating on the basis of gender identity do not prohibit:

1. Health or athletic clubs or other entities that operate gender-specific facilities involving public nudity such as showers and locker rooms, from requiring an individual to document their gender or transitional status. Such documentation can include but is not limited to a court order, letter from a physician, birth certificate, passport, or driver's license.
2. Valid employer dress codes or policies, so long as the employer provides, on a case-by-case basis, for reasonable accommodation based on the health and safety needs of persons protected on the basis of gender identity.

EXHIBIT 1

**5.16.050 Administration and Enforcement.**

A. Enforcement of all or any part of Section 5.16 shall be governed by the procedures established in ORS Chapter 659A. The Mayor may adopt rules pursuant to BC 1.02.010 to implement enforcement and administration of this section.

B. Any person claiming to be aggrieved by an unlawful employment practice under subsection 5.16.020 or any person claiming to be aggrieved by an unlawful practice under subsections 5.16.025 or 5.16.030 relating to selling, renting or leasing real estate or discrimination in public accommodations, may file a complaint with the Commissioner under procedures established in ORS 659A.820.

C. The Commissioner may then proceed and shall have the same enforcement powers under Section 5.16, and if the complaint is found to be justified the complainant shall be entitled to the same remedies, as those provided under ORS 659A.835 to 659A.865.

D. Any order issued by the Commissioner of the Bureau of Labor and Industries under Section 5.16 shall be deemed as one issued by a municipal judge and shall be fully enforceable by the City.

E. Any person claiming to be aggrieved by an unlawful discriminatory act under the provisions of Section 5.16 shall have a cause of action in any court of competent jurisdiction for damages and such other remedies as may be appropriate. Election of remedies and other procedural issues relating to the interplay between administrative proceedings and private rights of action shall be decided as provided for in ORS 659A.870 to 659A.890. The court may grant such relief as it deems appropriate, including, but not limited to, such relief as is provided in ORS 659A.885.

**5.16.060 Severability.** The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Amending Provisions of Chapters Four and Five of the Beaverton City Code Relating to Nuisances Affecting the Public Health

**FOR AGENDA OF:** 11-08-04 **BILL NO:** 04229

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Code Services 

**DATE SUBMITTED:** 11-02-04

**CLEARANCES:** City Attorney IBK  
Solid Waste SK

**PROCEEDING:** First Reading

**EXHIBITS:** Ordinance

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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**HISTORICAL PERSPECTIVE:**

The city has the legal authority to enact and enforce reasonable regulations to preserve and protect the public safety and health. This authority derives from city's police power, which relates to the authority a government has to enact and enforce regulations intended to safeguard the health, safety, welfare and aesthetics of a community.

**INFORMATION FOR CONSIDERATION:**

The proposed ordinance changes four sections of the Beaverton Code dealing with rubbish and solid waste. The first change is to the description of rubbish contained in Beaverton Code section 5.05.095, paragraph A. The description of rubbish has been expanded to include carpet, upholstered furniture, and household appliances stored out-of-doors for more than 72 hours. This change is intended to make it abundantly clear that it is not acceptable to store these types of items outdoors for any extended period. (No change to paragraph B of section 5.05.095 is proposed - it reads the same as it did before.)

The remainder of proposed changes are to the Solid Waste and Recycling Ordinance of the Beaverton Code -- Chapter 4.08. This ordinance establishes the framework for the city's franchise system for the collection of refuse, yard debris and recycling, and was most recently revised in May of 2002. Administrative rules were also adopted in conjunction with the May 2002 revision of the Solid Waste and Recycling Ordinance. The administrative rules took effect July 1, 2002.

Now that we have had some time to work with the new ordinance and rules, some opportunities for improvements have become apparent. In particular, the rules described "Customer Responsibilities," but neither the ordinance nor the rules contained any enforcement or penalty provisions for customers who violated the rules.

The proposed ordinance improves the existing Solid Waste and Recycling Ordinance by:

A. Adding section 4.08.205 "Rulemaking Authority for Administration and Enforcement." This section clarifies that the Mayor's rulemaking authority regarding solid waste and recycling applies to both city franchisees and their customers.

B. Amending section 4.08.210 "Enforcement of Standards: Customers." This section establishes that violation of the ordinance or the rules by a customer constitutes a Class 1 Civil Infraction, and that each new day of violation by a customer constitutes a separate civil infraction.

C. Adding section 4.08.215 "Enforcement of Standards: Franchisees." This section restates the enforcement provisions for franchisees previously contained in section 4.08.210.

After the adoption of this proposed ordinance, the promulgation of new rules will be recommended to make the language of the rules consistent with the language of this ordinance. The proposed new rules for customers have been drafted and will be finalized through the rulemaking process. Until then, section five of the proposed ordinance provides that the city's existing administrative rules regarding solid waste and recycling remain in full force and effect.

**RECOMMENDED ACTION:**

First reading.

AN ORDINANCE AMENDING PROVISIONS OF  
CHAPTERS FOUR AND FIVE OF THE BEAVERTON CITY CODE  
RELATING TO NUISANCES AFFECTING THE PUBLIC HEALTH.

**WHEREAS**, the City has the legal authority to and currently does regulate rubbish and solid waste collection; and

**WHEREAS**, the City seeks to amend the code prohibition against rubbish to include, without limitation, household appliances and upholstered furniture, carpet or cardboard stored out-of-doors for more than 72 hours; and

**WHEREAS**, the City seeks to require that all residents dispose of their rubbish and solid waste in an appropriate and timely fashion. Now therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** BC 5.05.095 is amended by striking the existing text and inserting:

“5.05.095 Rubbish.

A. No person shall cause to be placed upon public or private property any kind of rubbish, trash, debris, refuse, or other substance that mars the property’s appearance, creates a stench or a fire hazard, detracts from the cleanliness or safety of the property, or constitutes an unreasonable danger to human life or property. Substances that mar the appearance of property, create a stench or a fire hazard, detract from the cleanliness or safety of property, or constitute an unreasonable danger to human life or property include, but are not limited to, the following items stored out-of-doors for more than 72 hours:

1. carpet,
2. upholstered furniture (unless designed and manufactured for outdoor use and impervious to rain), and
3. household appliances (including, but not limited to, clothes dryers, washing machines, ovens and stoves).

B. No person shall cause rubbish, trash, debris, or refuse to be placed in a dumpster, dropbox, garbage can, or other container unless the person either owns or has authority to use the container.”

**Section 2.** BC 4.08.205 is enacted to read:

“4.08.205 Rulemaking Authority for Administration and Enforcement. The Mayor may promulgate such rules and regulations to promote recycling and proper disposal of solid waste as are necessary for the administration and enforcement of this ordinance, including but not limited to additional definitions, fee collection requirements, service standards, franchisee responsibilities, customer responsibilities, forms and procedures to implement the provisions of

this ordinance, and a process for notice and comment regarding such rules and regulations prior to their adoption.”

**Section 3.** BC 4.08.210 is amended by striking the existing text and inserting:

“4.08.210 Enforcement of Standards: Customers.

A. A violation of a provision of this ordinance or of a rule duly promulgated under authority of this ordinance by a franchise customer shall constitute a Class I Civil Infraction and shall be processed according to the procedure set forth in BC 2.10.010 - 2.10.050.

B. Each violation of this ordinance or of a rule duly promulgated under authority of this ordinance relating to the responsibilities of a franchise customer shall constitute a separate civil infraction. Each day that a violation of a provision of this ordinance or of a rule promulgated under authority of this ordinance is committed or is permitted to continue shall constitute a separate civil infraction.

C. Any penalty imposed pursuant to this ordinance or a rule duly promulgated under authority of this ordinance is in addition to, and not in lieu of, any other civil, criminal or administrative penalty or sanction otherwise authorized by law.”

**Section 4.** BC 4.08.215 is enacted to read:

“4.08.215 Enforcement of Standards: Franchisees.

A. A violation by a franchisee of a provision of this ordinance or of a rule duly promulgated under authority of this ordinance shall constitute an infraction and shall be processed according to the procedure set forth in this ordinance.

B. Infractions under this ordinance and under any rules duly promulgated under authority of this ordinance are classified by an Enforcement Code consisting of two letters.

1. The first letter identifies the severity of the infraction (“A” being the most severe, “B” being the second most severe, “C” being the third most severe and “D” being the least severe).

2. The second letter identifies whether the infraction is measured “Per Day” (referred to as D), “Per Class” (referred to as C), or “Per Incident” (referred to as I).

C. Violation of this ordinance or of a rule duly promulgated under authority of this ordinance by a franchisee is punishable as provided in BC 4.08.420.

D. Any penalty imposed pursuant to this ordinance or a rule duly promulgated under authority of this ordinance is in addition to, and not in lieu of, any other civil, criminal or administrative penalty or sanction otherwise authorized by law.

E. Upon recommendation of the Mayor, the Council may declare a franchisee who fails to abide by the rules to be in default.”

**Section 5.** Those administrative rules duly promulgated under authority of Ordinance No. 4203 and now in effect shall survive the enactment of this ordinance and remain in full force and effect until otherwise repealed or amended.

First reading this \_\_\_ day of \_\_\_\_\_, 2004.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 2004.

Approved by the Mayor this \_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

## AGENDA BILL

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Design Review Update Project (TA 2003-0005)

**FOR AGENDA OF:** 11-8-04 **BILL NO:** 04230

**Mayor's Approval:**

*Lisa A. Giddland*  
*Mayor Pro Tem*

**DEPARTMENT OF ORIGIN:** CDD

**DATE SUBMITTED:** 11-3-04

**CLEARANCES:** City Attorney

*MR*

Devel. Serv.

*JS*

**PROCEEDING:** First Reading

**EXHIBITS:** 1. Draft Ordinance

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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#### **HISTORICAL PERSPECTIVE:**

Beginning in December 2002, the Community Development Department began meeting with the Code Review Advisory Committee to discuss a comprehensive revision to the City's existing Design Review process. The Committee met 13 times between December 2002 and June 2003 and forwarded a consensus proposal to the Planning Commission for their consideration. On August 27, 2003, the Planning Commission held their first public hearing to consider the proposed text amendment (TA 2003-0005) of the Design Review process contained within the City's Development Code. After the August 27, 2003 meeting, the Commission met to deliberate the text on October 22, 2003, July 7, 2004, and August 18, 2004. At the August 18, 2004 public meeting, the Commission voted 7-0 to recommend approval of the proposed text amendment as summarized in Land Use Order 1736. On November 1, 2004, the City Council consented to the Planning Commission's recommendation to approve TA 2003-0005.

#### **INFORMATION FOR CONSIDERATION:**

Attached to this Agenda Bill is a draft ordinance which would enact the Planning Commission recommendation of approval of the Development Code text amendment. Due to the extensive Planning Commission record, the entire record has not been attached to this Agenda Bill, but is available upon request.

#### **RECOMMENDED ACTION:**

Staff recommend that the City Council conduct a first reading of the draft Ordinance and direct staff to schedule a second reading of the Ordinance at the next available Council meeting date.

ORDINANCE NO. 4332

AN ORDINANCE AMENDING ORDINANCE NO. 2050, THE DEVELOPMENT CODE.

WHEREAS, in 2002, the City of Beaverton identified a need to conduct a comprehensive review of the City's Design review application procedures; and

WHEREAS, a Code Review Advisory Committee (CRAC) was appointed to assist City staff with the comprehensive review and the preparation of text to amend the Development Code; and

WHEREAS, the CRAC represented a wide range of community perspectives and interests;

WHEREAS, the CRAC met at thirteen (13) public meetings, between December 2002 and June 2003 at the conclusion of which a series of amendments to Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions) of the Development Code were agreed upon by the CRAC to forward to the Planning Commission for public hearing; and

WHEREAS, on August 27, 2003 the Planning Commission opened the first of four public hearings to consider a series of the text amendments known as the Design Review Update Project but more specifically identified as text amendment application number TA 2003-0005; and

WHEREAS, on October 22, 2003, July 7, 2004 and August 18, 2004 the Planning Commission conducted public hearings at the conclusion of which the Planning Commission reached a determination to recommend that the Beaverton City Council adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1736; and

WHEREAS, on September 6, 2004 the appeal period for Land Use Order No. 1736 for TA 2003-0005 expired without the filing of an appeal; and

WHEREAS, on November 1, 2004 the City Council conducted a work session with staff to discuss the changes to the Design Review process as contained in TA 2003-0005 and directed staff to prepare an ordinance to adopt the Planning Commission's recommendation as summarized in Land Use Order No. 1736; and

WHEREAS, specific to the amendment of Development Code Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations) and Chapter 90 (Definitions) in TA 2003-0005, the Council adopts as to facts and findings for this ordinance the materials described in Land Use Order No. 1736 dated August 26, 2004 and the Planning Commission record, all of which the Council incorporates by their reference herein and finds constitute an adequate factual basis for this ordinance; and now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

**Section 1.** Ordinance No. 2050, the Development Code Chapter 20, is amended to read as set out in Appendix "A" to this Ordinance attached to and incorporated herein by this reference.

**Section 2.** Ordinance No. 2050, the Development Code Chapter 40, is amended to read as set out in Appendix "B" to this Ordinance attached to and incorporated herein by this reference.

**Section 3.** Ordinance No. 2050, the Development Code Chapter 50, is amended to read as set out in Appendix "C" to this Ordinance attached to and incorporated herein by this reference.

**Section 4.** Ordinance No. 2050, the Development Code Chapter 60, is amended to read as set out in Appendix "D" to this Ordinance attached to and incorporated herein by this reference.

**Section 5.** Ordinance No. 2050, the Development Code Chapter 90, is amended to read as set out in Appendix "E" to this Ordinance attached to and incorporated herein by this reference.

**Section 8. Severance Clause.**

The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this \_\_\_ day of \_\_\_\_\_, 2004.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 2004.

Approved by the Mayor this \_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

# EXHIBIT A

**Section 1: The Development Code, Ordinance No. 2050, Chapter 20 – Land Uses, Sections 20.05.05.2.B., 20.05.10.2.B., 20.05.15.2.B., 20.05.20.2.B., 20.05.25.2.B., 20.05.30.2.B., 20.05.35.2.B., 20.05.40.2.B., 20.10.05.2.B., 20.10.10.2.B., 20.10.15.2.B., 20.10.20.2.B., 20.10.25.2.B., 20.15.05.2.B., 20.15.10.2.B., 20.15.15.2.B., 20.20.05.2.B., 20.20.10.2.B., 20.20.15.2.B., 20.20.20.2.B., 20.20.25.2.B., 20.20.27.2.B., 20.20.30.2.B., 20.20.35.2.B., 20.20.40.2.B., 20.20.43.2.B., 20.20.45.2.B., 20.20.47.2.B., will be amended to read as follows:**

\*\*\*\*\*

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

\*\*\*\*\*

**Section 2: The Development Code, Ordinance No. 2050, Chapter 20 – Land Uses, Section 20.05.55, SUPPLEMENTAL DEVELOPMENT REQUIREMENTS, will be amended to read as follows:**

## **20.05.55. Supplemental Development Requirements**

\*\*\*\*\*

### **1. Design Features:**

\*\*\*\*\*

### **2. Landscaping:**

~~A. Required for front yard areas except for driveways or walkways in all R3.5, R2 and R1 Districts.~~

~~B. Required open space and recreation areas except for paved or surfaced recreation space in all R2 and R1 Districts.~~

### **2 3. Extension of Facilities. [ORD 4061; September 1999]**

\*\*\*\*\*

# EXHIBIT A

**Section 3: The Development Code, Ordinance No. 2050, Chapter 20 – Land Uses, Section 20.10.55, SUPPLEMENTAL DEVELOPMENT REQUIREMENTS, will be amended to read as follows:**

**20.10.55. Supplemental Development Requirements [ORD 4224; August 2002]**

In addition to the site development requirements listed in Section 20.10.50, development in commercial zoning districts shall be subject to the following supplemental development requirements:

~~1. **Landscaping:** Not less than 15% of the total lot area shall be landscaped.~~

**2. Extension of Facilities.**

\*\*\*\*\*

~~3. **Open Air Display:**~~

\*\*\*\*\*

**Section 4: The Development Code, Ordinance No. 2050, Chapter 20 – Land Uses, Section 20.15.55, SUPPLEMENTAL DEVELOPMENT REQUIREMENTS, will be amended to read as follows:**

**20.15.55. Supplemental Development Requirements [ORD 4224; August 2002]**

In addition to the site development requirements listed in Section 20.15.50, development in industrial zoning districts shall be subject to the following supplemental development requirements:

**1. Off Street Parking and Loading.**

\*\*\*\*\*

~~2. **Landscaping:**~~

~~A. Not less than 15% of the total lot area shall be landscaped.~~

~~B. Fences, walls and hedges: Fencing shall be allowed inside a boundary planting screen.~~

**3. Extension of Facilities.**

# EXHIBIT A

\*\*\*\*\*

## 3 4. Adjacent Residential Zoning District(s).

\*\*\*\*

## 4-5. Required Conditions.

\*\*\*\*\*

**Section 5: The Development Code, Ordinance No. 2050, Chapter 20 – Land Uses, Section 20.20.50.E., SITE DEVELOPMENT REQUIREMENTS, will be amended to read as follows:**

### 20.20.50. Site Development Requirements

#### A. STATION AREAS [ORD 4224; August 2002]

\*\*\*\*\*

#### 4. Building Height: (in feet)

\*\*\*\*\*

C. Refer to Section 60.05.15.7 for additional height requirements for structures adjacent to Major Pedestrian Routes.

D. G. The maximum height for wireless communication facilities inclusive of antennas in all station areas zoning districts shall be one hundred (100) feet. The maximum height of at-grade equipment shelters for wireless communication facilities in all industrial zoning districts shall be twelve (12) feet. [ORD 4248; April 2003]

\*\*\*\*\*

#### 5. Floor Area:

\*\*\*\*\*

E. Projects may use the Final Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the plans how

# EXHIBIT A

future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the Planned Unit Development process is to be used.

**F. E. Permitted Density (~~Floor Area Ratio FAR~~).**

1. General. When a Planned Unit Development is approved, phased development may be proposed, so long as each phase complies with the minimum density of the site ~~or floor area ratio, or both~~.

Subsequent subsection numbering will be altered to reflect the change in sequence.

\*\*\*\*\*

**B. STATION COMMUNITIES [ORD 3998, December 1997] [ORD 4005, January 1998] [ORD 4188; January 2002] [ORD 4224; August 2002]**

\*\*\*\*\*

**4. Building Height: (in feet)**

\*\*\*\*\*

**C. Refer to Section 60.05.15.7 for additional height requirements for structures adjacent to Major Pedestrian Routes.**

**D. G.** The maximum height for wireless communication facilities inclusive of antennas in all station communities zoning districts shall be one hundred (100) feet. The maximum height of at-grade equipment shelters for wireless communication facilities in all industrial zoning districts shall be twelve (12) feet. [ORD 4248; April 2003]

\*\*\*\*\*

**5. Floor Area:**

# EXHIBIT A

\*\*\*\*\*

E. Projects may use the Final Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the Planned Unit Development process is to be used.

F. ~~E.~~ Permitted Density (~~Floor Area Ratio-FAR~~).

1. General. When a Planned Unit Development is approved, phased development may be proposed, so long as each phase complies with the minimum density of the site or floor area ratio, or both.

Subsequent subsection numbering will be altered to reflect the change in sequence.

\*\*\*\*\*

C. CORRIDOR AND MAIN STREETS [ORD 4265; September 2003]

\*\*\*\*\*

4. ~~Maximum Building Height:~~ (in feet)

\*\*\*\*\*

B. Refer to Section 60.05.15.7 for additional height requirements for structures adjacent to Major Pedestrian Routes.

\*\*\*\*\*

# EXHIBIT A

## D. TOWN CENTERS [ORD 4058, August 1999]

\*\*\*\*\*

### 4. Building Height: (in feet)

\*\*\*\*\*

C. Refer to Section ~~20.20.60.D.3~~ **60.05.15.7** for additional height requirements for structures adjacent to Major Pedestrian Routes.

\*\*\*\*\*

### 5. Floor Area:

\*\*\*\*\*

B. Minimum Floor Area Ratio                      0.35              0.20              0.20  
(FAR) for multiple use or non-residential developments with a ~~Final Planned Unit Development~~ **FPUD or DRBCP** [ORD 4224; August 2002]

Projects that propose to utilize the Final Planned Unit Development or ~~Design Review Build-Out Concept Plan~~ process to develop a site at the minimum FAR established in subsection 20.20.50.D.5.B above must demonstrate in the ~~Planned Unit Development~~ plans how, in all aspects of site development requirements, future intensification of the site, to the minimum FAR established in subsection ~~20.20.50.D.5.A~~ or greater, can be achieved at ultimate build out of the ~~Planned Unit Development or Design Review Build-Out Concept Plan~~. The ~~Design Review Build-Out Concept Plan~~ may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the ~~Planned Unit Development process~~ is to be used. [ORD 4224; August 2002]

\*\*\*\*\*

# EXHIBIT A

- D. Maximum Floor Area Ratio 2.00 1.00 0.75  
(FAR) for multiple use or non-residential developments with a Final Planned Unit Development. FPUD or DRBCP. [ORD 4224; August 2002]

\*\*\*\*\*

- E. REGIONAL CENTERS [ORD 4075; November 1999]

3. Yard Setbacks: (in feet)

\*\*\*\*\*

- ~~G. Alternative Maximum Setback Large Retail Use.~~

~~1. Purpose. Retail of at least 100,000 square feet located within the Regional Center district may be developed with an alternative maximum setback in exchange for pedestrian-oriented development. These large retail sites are to be pedestrian-oriented by placing smaller commercial buildings close to adjacent public streets and by creating an internal circulation system that is similar to streets in that they divide the parking area into blocks and provide pedestrian access. The intent is to encourage development that will, over time, form a pedestrian-oriented street along the perimeter of the parking blocks. In order to utilize this option, projects must use the Final Planned Unit Development process. [ORD 4224; August 2002]~~

~~2. Standards. The Alternative Maximum Setback standards are allowed, provided all the following are met:~~

~~a. Buildings with at least 100,000 square feet of floor area in retail trade uses may utilize the alternative maximum setback standards of Section 20.20.50.E.3 if all the following criteria are met:~~

~~b. Other buildings on the site have ground floor walls within the maximum setback [20.20.50.E.3, (Yard Setbacks)] for at least 50 percent of the frontage~~

# EXHIBIT A

~~along Major Pedestrian Routes, and for at least 25 percent of the frontage along other streets or internal accessways. These buildings must be constructed in accordance with the approved PUD.~~

~~e. Internal accessways that are similar to streets must divide the site into parking areas or future development sites that have block sizes no greater than 330'.~~

~~d. Each internal accessway will have the following minimum dimensions and features:~~

- ~~(1) Auto travel lanes with 10' minimum width with curbing;~~
- ~~(2) Sidewalks at least 8' wide on both sides of the internal accessway;~~
- ~~(3) Parallel or 60 degree angle parking outside of travel lanes;~~
- ~~(4) Street trees along both sides (one per 30');~~
- ~~(5) Suitable landscaping.~~

## 4. Building Height: (in feet)

\*\*\*\*\*

D. Refer to Section 20.20.60.E.3 **60.05.15.7** for additional height requirements for structures adjacent to Major Pedestrian Routes.

\*\*\*\*\*

## 5. Floor Area:

\*\*\*\*\*

	<u>RC-TO</u>	<u>RC-OT</u>	<u>RC-E</u>
A. Minimum Floor Area Ratio (FAR) for multiple use or non-residential developments.	0.60	0.35	0.30

Projects may use the Final Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site

# EXHIBIT A

in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the ~~Planned Unit Development~~ plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the ~~Planned Unit Development or Design Review Build-Out Concept Plan~~. The ~~Design Review Build-Out Concept Plan~~ may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the ~~Planned Unit Development process~~ is to be used. [ORD 4224; August 2002]

\*\*\*\*\*

- D. Maximum Floor Area Ratio (FAR) Unlimited FAR in RC-E zones.  
for multiple use or non-residential developments with a ~~Final Planned Unit Development~~ ~~FPUD or DRBCP~~. [ORD 4224; August 2002] [ORD 4259; August 2003]

\*\*\*\*\*

- H. Permitted Density (Dwelling Units/Acre-Du/Ac) and (Floor Area Ratio-FAR).
1. General. Except as otherwise approved through the Final Planned Unit Development process, phased development may be proposed, so long as each phase complies with the minimum density ~~or floor area ratio, or both~~. [ORD 4224; August 2002]

\*\*\*\*\*

## ~~6. Design Features~~

<Reserved>

## ~~7. Landscaping~~

<Reserved>

\*\*\*\*\*

# EXHIBIT A

## 20.20.60 Supplementary Regulations

### A. STATION AREAS [ORD 4224; August 2002]

#### 1. ~~Development Standards.~~

~~The following supplementary development standards apply to all development within the Station Area Districts.~~

~~A. Streets that form a boundary of a Station Area for which maximum front yard setbacks shall apply are:~~

~~—— (reserved)~~

~~B. All buildings shall have at least one primary building entrance oriented toward an abutting street, pedestrian way, or if available, a Major Pedestrian Route.~~

~~C. Building entrances shall incorporate elements such as arcades, roofs, porches, alcoves, porticos, awnings, or any combination of the foregoing that protect pedestrians from the rain and wind.~~

~~D. Sidewalks are required on all streets. On Major Pedestrian Routes, sidewalks shall provide an unobstructed path at least eight (8) feet wide. All other sidewalks or pedestrian ways shall provide an unobstructed path at least six (6) feet wide. Larger sidewalk dimensions up to twenty (20) feet are desirable in areas where pedestrian activity will be greatest or where outdoor seating is encouraged, or both.~~

~~E. In residential only developments, a total area equal to at least fifteen (15) percent of site area shall be devoted to outdoor common area(s). This area may include decks, roofs, or balconies, provided such spaces are easily accessible to all residents and landscaped as appropriate for such uses.~~

~~F. In Nonresidential and Multiple Use Developments, a total area equal to at least ten (10) percent of the site area shall be devoted to outdoor common area(s). This area may include public arcades, decks, or roof surfaces, provided such areas are easily accessible to the public (for developments that are open to the general public) or building tenants and landscaped as appropriate for such uses.~~

# EXHIBIT A

- ~~G. — Parking lots shall be placed behind buildings or behind a landscaped buffer with a minimum depth of eight (8) feet from adjacent streets or pedestrian ways.~~
- ~~H. — Ground level off-street parking lots abutting a Major Pedestrian Route shall be screened from the street and pedestrian areas either by evergreen plant material, or by solid face walls, fences or berms not exceeding 3 and 1/2 feet in height.~~
- ~~I. — Off street loading spaces shall be placed behind or to the side of buildings to avoid blocking pedestrian connections. Loading areas shall be visually screened from the street or any pedestrian way by solid walls, or landscaping, or both.~~
- ~~J. — Parking and service areas for nonresidential and multiple use developments shall be screened from adjacent residential areas.~~
- ~~K. — Mechanical equipment shall be screened from view.~~

~~1. 2.~~ **Specific District Development Approvals.**  
(Reserved)

~~3.~~ **Development Standards for Major Pedestrian Routes.**

~~The following standards shall apply to all development, or any development phase, located on a site adjoining a designated Major Pedestrian Route. Major pedestrian routes shall be identified for each Multiple Use District established pursuant to this section.~~

- ~~A. — For all buildings in a development, or any development phase, providing reasonably direct access to a Major Pedestrian Route:
  - ~~1. — Secondary entries may face on other streets, off street parking areas or loading areas.~~
  - ~~2. — Ground floor residential units fronting on a Major Pedestrian Route shall have separate entries directly from the Major Pedestrian Route. Upper story units may share one or more entries.~~
  - ~~3. — Nonresidential and multiple use buildings shall provide direct public pedestrian access from the Major Pedestrian Route to all businesses occupying fronting ground level building space. All such entries shall be sheltered with~~~~

# EXHIBIT A

~~an element such as overhang, awning, or portico with a depth of at least four (4) feet.~~

- ~~4. For Nonresidential and multiple use buildings, at least 50 percent of the surface area of the ground floor elevation facing onto a Major Pedestrian Route, park, plaza or other public outdoor space shall be devoted to windows or doors. Provided that the total combined width of such glazed areas shall equal or exceed 50 percent of the total ground level width of the related building facade. For purposes of these requirements, the height of the ground floor elevation shall be measured from the interior finished ceiling of the fronting space or fourteen (14) feet above grade, which ever is less. Glazed areas shall provide views into retail, office, or lobby space, pedestrian entrances, or retail display windows.~~
  
- ~~B. For development, or any development phase, which is adjacent to a Major Pedestrian Route, non-residential and non-residential multiple use buildings shall be located so that a minimum of 70 percent of the frontage is occupied by one or more buildings lying within five (5) feet of the special setback line as specified in Section 20.20.50.A.3.D. Residential multiple use buildings with housing units at grade along such frontages shall have a maximum setback of twenty (20) feet along such frontages. A Variance to these standards for a parcel with a frontage width of less than 100 feet may be granted when access to required off-street parking must be located on the Major Pedestrian Route.~~
  
- ~~C. Off street parking lots shall be located to the rear of buildings with no portion of the parking lot lying within fifty (50) feet of the right of way or easement of the Major Pedestrian Route. Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a Major Pedestrian Route, driveways for ingress and egress shall be limited to one per 150 feet. For lots with frontage of 150 feet or less, or lots abutting lots with a frontage of 150 feet or less, shared access shall be provided. In the event lot dimensions or the presence of multiple Major Pedestrian Route frontages make application of these standards impractical, a Variance may be granted. In such case, a landscape buffer with a depth of at least eight (8) feet shall be provided between the edge of the right of way and the parking lot.~~

# EXHIBIT A

~~D. — Parking structures located on Major Pedestrian Routes shall incorporate one or more uses other than parking at ground level along that portion of the structure fronting onto such routes. A Variance may be granted for either 1) semi-subterranean parking structures, provided that the height of such structures, or portions thereof, is not greater than three and one half (3 1/2) feet above the elevation of the adjoining walkway or sidewalk and the structure is architecturally and functionally incorporated into the design of the street, or 2) where lot dimensions or presence of multiple Major Pedestrian Routes make application of this standard impractical.~~

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## B. STATION COMMUNITIES

### 1. ~~Development Standards.~~

~~The following supplementary development standards apply to all development within the Station Community Districts.~~

~~A. — Streets that form a boundary of a Station Community for which maximum front yard setbacks shall apply are:~~

~~— (reserved)~~

~~B. — All buildings shall have at least one primary building entrance oriented toward an abutting street, pedestrian way, or if available, a Major Pedestrian Route.~~

~~C. — Building entrances shall incorporate elements that protect pedestrians from the rain and wind, such as arcades, roofs, porches, alcoves, porticos, awnings, or any combination of the foregoing.~~

~~D. — Sidewalks are required on all streets. On Major Pedestrian Routes, sidewalks shall provide an unobstructed path at least eight (8) feet wide. All other sidewalks or pedestrian ways shall provide an unobstructed path at least six (6) feet wide. Larger sidewalk dimensions up to twenty (20) feet are desirable in areas where pedestrian activity will be greatest or where outdoor seating is encouraged, or both.~~

# EXHIBIT A

- ~~E. In residential only developments, a total area equal to at least fifteen (15) percent of site area shall be devoted to outdoor common area(s). This area may include decks, roofs, or balconies, provided such spaces are easily accessible to all residents and landscaped as appropriate for such uses.~~
- ~~F. In Nonresidential and Multiple Use Developments, a total area equal to at least ten (10) percent of the site area shall be devoted to outdoor common area(s). This area may include public arcades, decks, or roof surfaces, provided such areas are easily accessible to the public (for developments that are open to the general public) or building tenants and landscaped as appropriate for such uses.~~
- ~~G. Parking lots shall be placed behind buildings or behind a landscaped buffer with a minimum depth of eight (8) feet from adjacent streets or pedestrian ways.~~
- ~~H. Ground level off street parking lots abutting a Major Pedestrian Route shall be screened from the street and pedestrian areas either by evergreen plant material, or by solid face walls, fences or berms not exceeding 3 and 1/2 feet in height.~~
- ~~I. Off street loading spaces shall be placed behind or to the side of buildings to avoid blocking pedestrian connections. Loading areas shall be visually screened from the street or any pedestrian way by solid walls, or landscaping, or both.~~
- ~~J. Parking and service areas for nonresidential and multiple use developments shall be screened from adjacent residential areas.~~
- ~~K. Mechanical equipment shall be screened from view.~~

## **1. 2. Specific District Development Approvals.**

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## **3. Development Standards for Major Pedestrian Routes.**

~~The following standards shall apply to all development, or any development phase, located on a site adjoining a designated Major Pedestrian Route. Major Pedestrian Routes shall be identified for each Multiple Use District established pursuant to this section.~~

# EXHIBIT A

~~Consistent with the definition of Major Pedestrian Route in Chapter 90, the Major Pedestrian Routes in the South Tektronix zoning district are identified in the attached map of Major Pedestrian Routes. Major Pedestrian Routes includes all existing and future public streets and access easements in the South Tektronix SC MU and SC HDR zone and along all existing and future public transit routes. The designated routes shall provide connectivity to the Millikan Way and Beaverton Central light rail stations and provide east west movement through the interior portion of the station community. [ORD 4121; August 2000]~~

- ~~A. For all buildings in a development, or any development phase, providing reasonably direct access to a Major Pedestrian Route:~~
- ~~1. Secondary entries may face on other streets, off-street parking areas or loading areas.~~
  - ~~2. Ground floor residential units fronting on a Major Pedestrian Route shall have separate entries directly from the Major Pedestrian Route. Upper story units may share one or more entries.~~
  - ~~3. Nonresidential and multiple use buildings shall provide direct public pedestrian access from the Major Pedestrian Route to all businesses occupying fronting ground level building space. All such entries shall be sheltered with an element such as overhang, awning, or portico with a depth of at least four (4) feet.~~
  - ~~4. For Nonresidential and multiple use buildings, at least 50 percent of the surface area of the ground floor elevation facing onto a Major Pedestrian Route, park, plaza or other public outdoor space shall be devoted to windows or doors. Provided that the total combined width of such glazed areas shall equal or exceed 50 percent of the total ground level width of the related building facade. For purposes of these requirements, the height of the ground floor elevation shall be measured from the interior finished ceiling of the fronting space or fourteen (14) feet above grade, which ever is less. Glazed areas shall provide views into retail, office, or lobby space, pedestrian entrances, or retail display windows.~~

## EXHIBIT A

- ~~B. — For development, or any development phase, which is adjacent to a Major Pedestrian Route, non-residential and non-residential multiple use buildings shall be located so that a minimum of 70 percent of the frontage is occupied by one or more buildings lying within five (5) feet of the special setback line as specified in Section 20.20.50.B.3.D. Residential multiple use buildings with housing units at grade along such frontages shall have a maximum setback of twenty (20) feet along such frontages. A Variance to these standards for a parcel with a frontage width of less than 100 feet may be granted when access to required off-street parking must be located on the Major Pedestrian Route.~~
- ~~C. — Off street parking lots shall be located to the rear of buildings with no portion of the parking lot lying within fifty (50) feet of the right-of-way or easement of the Major Pedestrian Route. Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a Major Pedestrian Route, driveways for ingress and egress shall be limited to one per 150 feet. For lots with frontage of 150 feet or less, or lots abutting lots with a frontage of 150 feet or less, shared access shall be provided. In the event lot dimensions or the presence of multiple Major Pedestrian Route frontages make application of these standards impractical, a Variance may be granted. In such case, a landscape buffer with a depth of at least eight (8) feet shall be provided between the edge of the right of way and the parking lot. [ORD 4224; August 2002]~~
- ~~D. — Parking structures located on Major Pedestrian Routes shall incorporate one or more uses other than parking at ground level along that portion of the structure fronting onto such routes. A Variance may be granted for either 1) semi-subterranean parking structures, provided that the height of such structures, or portions thereof, is not greater than three and one half (3 1/2) feet above the elevation of the adjoining walkway or sidewalk and the structure is architecturally and functionally incorporated into the design of the street, or 2) where lot dimensions or presence of multiple Major Pedestrian Routes make application of this standard impractical. [ORD 4224; August 2002]~~

# EXHIBIT A

## ~~4. Phasing of Development Standards.~~

~~Projects in the South Tektronix Station Community area may use the Final Planned Unit Development process to develop a site by phasing compliance with the development standards established in this ordinance. Such projects must demonstrate in the Planned Unit Development plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development. [ORD 4224; August 2002]~~

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## C. CORRIDOR DISTRICTS [ORD 4265; September 2003]

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~~1. Landscaping: Not less than 15% of the total lot area shall be landscaped.~~

~~1. 2. Extension of Facilities.~~

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~~2. 3. Open Air Display:~~

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~~3. 4. Method for Calculating Minimum Residential Density.~~

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## D. TOWN CENTER DISTRICTS

~~1. Development Standards. The following supplementary development standards apply to all development within the Town Center Districts.~~

~~A. All buildings shall have at least one primary building entrance oriented toward an abutting street, pedestrian way, or if available, a Major Pedestrian Route.~~

~~B. Building entrances shall incorporate elements that protect pedestrians from the rain and wind, such as arcades, roofs, porches, alcoves, porticos, awnings, or any combination of the foregoing.~~

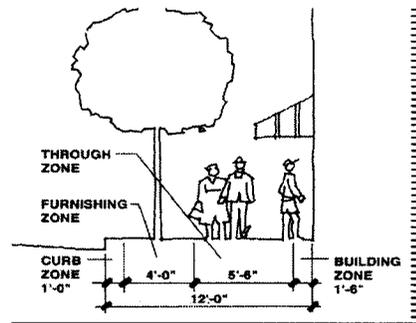
# EXHIBIT A

C. ~~Sidewalks are required on all streets. On Major Pedestrian Routes, sidewalks shall be at least twelve (12) feet wide and provide an unobstructed path at least eight (8) feet wide. All other sidewalks or pedestrian ways shall be at least ten (10) feet wide and provide an unobstructed path at least six (6) feet wide. Larger sidewalk dimensions up to twenty (20) feet are desirable in areas where pedestrian activity will be greatest or where outdoor seating is encouraged, or both.~~

D. ~~Street Trees will typically be planted in the curb strip along all streets. This width includes zones for pedestrian, street trees, and building entries as follows:~~

Minimum Sidewalk Standards ~~Typical side walk configuration~~  
Major Pedestrian Routes:

- ~~4' 0" Furnishing Zone.~~
- ~~1' 0" Curb Zone.~~
- ~~5' 6" Through Zone.~~
- ~~1' 6" Building zone.~~



E. ~~Bus Stops may be required on Major Pedestrian Routes and, if required, shall include the curb and sidewalk that will extend into the parking lane of the roadway to make a queuing area for bus riders. Shelters, kiosks, benches, or other rider amenities will be required at park and ride facilities or on transit mall streets where many riders are served. At minor bus stops, a bus stop sign and route information will be provided.~~

F. ~~Pathways are to be used primarily by bicycles and pedestrians but in some instances they may be used by emergency vehicles. The purpose of pathways is to provide pedestrian oriented connections between nearby developments and the Town Center. They can be as narrow as a 5' 0" wide walkway between existing buildings, as wide as 14' 0" wide recreational trail through park areas and setbacks, or may be the connection of two existing parking drive aisles.~~

G. ~~Walkways are small scale pathways intended for local neighborhood use, providing connections between developed and developing areas. Walkways may be enlarged by connecting the~~

## EXHIBIT A

walkways of two existing planned unit developments. Attention will be given to the visibility of walkways from nearby land uses.

- H. ~~Recreational Trails. In park areas, power line easements, and flood plain areas, it is desirable to have an interconnected route of trails linking the neighborhood for transportation and recreational purposes. Standard: 14' 0" clear zone with 12' 0" paved area. If approved as a part of the development review process, trails may be reduced in width when connecting to existing trails that are dimensioned less than 12 feet.~~
- I. ~~Drive Aisles. Pathways may be made by connecting existing automobile drive aisles together between nearby properties or connecting the parking of two existing developments together. In some cases, it may be appropriate to align drive aisles across streets to make safe connections across roadways that are clearly visible to vehicles, bicycles, and pedestrians using the crossing. The intention is to use every opportunity to expand the local circulation network so that convenience and safety are maximized.~~
- J. ~~In residential only developments, a total area equal to at least fifteen (15) percent of site area shall be devoted to outdoor common area(s). This area may include decks, balconies, including rooftop balconies, and other landscape and water features provided such spaces are easily accessible to all residents and landscaped as appropriate for such uses.~~
- K. ~~Parking lots shall be placed at the side or behind buildings or behind a landscaped buffer with a minimum depth of eight (8) feet from adjacent streets or pedestrian ways. Pedestrian access from the parking lots to adjacent streets or pedestrian way shall be provided as deemed appropriate within the development review process.~~
- L. ~~Off street loading spaces shall be placed behind or to the side of buildings to avoid blocking pedestrian connections. Loading areas should be visually screened from the street or any pedestrian way by solid walls, or landscaping, or both.~~
- M. ~~Parking and service areas for nonresidential and multiple use developments shall be screened from adjacent residential areas.~~
- N. ~~Mechanical equipment shall be screened from view.~~

# EXHIBIT A

## ~~1. 2.~~ Specific District Development Approvals.

A. Murray Scholls Town Center Development Standards. The following standards shall apply to all development, or any development phase, located within the Murray Scholls Town Center.

1. Demonstrate by the submittal of a General Site Plan as defined in Chapter 90 that compliance with the required minimum of 1,050 residential units either: 1) has previously been achieved within the district, 2) will be achieved as a result of the proposed development, or 3) can still be achieved within the district after completion of the proposed development.

2. Demonstrate by the submittal of a General Site Plan as defined in Chapter 90 that compliance with the required maximum of 2,500 residential units either: 1) has not been achieved within the district, or 2) will not be achieved as a result of the proposed development.

~~3. Major Pedestrian Routes within the Murray Scholls Town Center are shown on Map 20.20.60 1. Within the Murray Scholls Town Center, Major Pedestrian Routes are divided into two types: Pedestrian Streets and Transit Streets. These two types of Major Pedestrian Routes, while subject to the requirements for Major Pedestrian Routes, serve different purposes. The Transit Street is distinguished by an emphasis on transit facilities and services.~~

~~3. Development Standards for Major Pedestrian Routes. The following standards shall apply to all development, or any development phase, located on a site adjoining a designated Major Pedestrian Route. Major pedestrian routes shall be identified for each Multiple Use District established pursuant to this section.~~

~~Consistent with the definition of Major Pedestrian Route in Chapter 90, the Major Pedestrian Routes in the Town Center zoning districts are identified in the attached map of Major Pedestrian Routes in the Town Center zoning districts.~~

# EXHIBIT A

~~A. — Streetscapes for Pedestrians. — Development along Major Pedestrian Routes shall be designed to encourage use by pedestrians by providing a safe, comfortable and interesting walking environment. The standards in this section are intended to enhance street safety and pedestrian comfort by providing ground level features of interest to pedestrians, and by creating an urban streetscape appropriate for a Town Center.~~

~~Architecture helps define the character and quality of a street and can make a strong statement about the overall city at large. The placement and design of buildings provide the framework for the streetscape and defines the edges of street space.~~

~~1. — For Nonresidential and multiple use buildings, at least 50 percent of the surface area of the ground floor elevation facing onto a Major Pedestrian Route, park, plaza or other public outdoor space shall be devoted to windows or doors. Provided that the total combined width of such glazed areas shall equal or exceed 50 percent of the total ground level width of the related building facade. For purposes of these requirements, the height of the ground floor elevation shall be measured from the interior finished ceiling of the fronting space or fourteen (14) feet above grade, whichever is less. Glazed areas shall provide views into retail, office, or lobby space, pedestrian entrances, or retail display windows. Mirrored or obscured windows are not acceptable.~~

~~2. — For development, or any development phase, which is adjacent to a Major Pedestrian Route, non-residential and non-residential multiple use buildings shall be located so that a minimum of 70 percent of the frontage is occupied by one or more buildings lying within five (5) feet of the special setback line as specified in Section 20.20.50.D.3.D.~~

~~3. — Building(s) shall be located at public street intersections with the building(s) fronting the streets forming the intersection.~~

~~B. — Building Entrances. Provide for safe, convenient, direct and identifiable access for pedestrians between Major Pedestrian Routes and adjacent buildings.~~

## EXHIBIT A

- ~~1. For all buildings in a development, or any development phase, provide a reasonably direct access to a Major Pedestrian Route.~~
  - ~~2. Secondary entries may face on other streets, off street parking areas or loading areas.~~
  - ~~3. Ground floor residential units fronting on a Major Pedestrian Route shall have separate entries directly from the Major Pedestrian Route. Upper story units may share one or more entries.~~
  - ~~4. Nonresidential and multiple use buildings shall provide direct public pedestrian access from the Major Pedestrian Route to all businesses occupying fronting ground level building space. All such entries shall be sheltered with an element such as overhang, awning, or portico with a depth of at least four (4) feet. The sheltering element shall be architecturally integrated into the design of the structure(s).~~
- ~~C. Building Heights The minimum and maximum building height standards are used to establish building scales along Major Pedestrian Routes in order to achieve a pedestrian friendly character which supports a wide variety of residential and commercial uses in combination. Buildings which are compatible in terms of scale help to create a harmonious visual setting which enhances the livability of a district and helps to bring about the successful mixing of diverse land uses and activities.~~
- ~~1. The height of any portion of a building lying within twenty (20) feet of a Major Pedestrian Route shall not be less than twenty four (24) feet or greater than forty five (45) feet at finished grade of the required twelve (12) foot sidewalk.~~
  - ~~2. The height of any portion of a building located within 20 feet of a Major Pedestrian Route shall not exceed a height greater than one half the width of the abutting right-of-way of the Major Pedestrian Route.~~
  - ~~3. The maximum heights specified by Sections 20.20.60.D.3.C.1 and .2 can be further adjusted an~~

## EXHIBIT A

~~additional twelve (12) feet in excess of the maximum building height for any portion of a building located above the coping, cave or deck line and beneath a plane extending back from the coping, cave or deckline at an angle of thirty (30) degrees from a horizontal plane equal to the height of the coping, cave or deckline. The point from which the thirty (30) degree angle shall be measured is at the highest permitted elevation at twelve (12) feet from the face of curb.~~

~~D. — Parking Areas and Garages — Garages and off street surface parking areas shall be designed to be as unobtrusive and as attractive in appearance, as possible. There shall be low bushes or a low wall or berm at the perimeter of surface parking lots to reduce their visibility from the surrounding area. Barriers around the perimeter of a parking lot shall not be so high, however, that it becomes a safety or security problem. Trees shall be used extensively at the perimeter and in the interior of surface parking lots to break up large parking areas and provide shade. Accessways through surface parking lots shall be clearly identifiable through use of different paving materials, grade separation, or landscaping, well lighted, and as short as practicable.~~

~~1. — Off street parking lots shall be located to the rear of buildings. Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a Major Pedestrian Route, driveways for ingress and egress shall be limited to one per 150 feet. For lots with frontage of 150 feet or less, or lots abutting lots with a frontage of 150 feet or less, shared access shall be provided. In the event lot dimensions or the presence of multiple Major Pedestrian Route frontages make application of these standards impractical and notwithstanding the adjustment process, a Variance may be granted. [ORD 4224; August 2002]~~

~~2. — Off street parking lots shall provide perimeter parking lot landscaping adjacent to Major Pedestrian Routes which is an eight (8) foot wide planting strip between the right-of-way or easement and the parking area. Planting strips shall be planted with trees at a minimum of 3 ½ inch caliper and at a maximum of 30 feet on center. Additional landscaping shall contain evergreen plants, a solid fence~~

# EXHIBIT A

~~or wall, or both which are not less than thirty six (36) inches or more than forty two (42) inches in height as measured from the sidewalk elevation. Other evergreen and deciduous plants and architectural features may be approved at any height. The planting strip may be designed to allow adequate access by pedestrians and vehicles.~~

~~3. Parking structures located on Major Pedestrian Routes shall incorporate one or more retail or commercial uses other than parking at ground level along that portion of the structure fronting onto such routes. Notwithstanding the adjustment process, a Variance may be granted for either: [ORD 4224; August 2002]~~

~~a. Semi-subterranean parking structures, provided that the height of such structures, or portions thereof, is not greater than three and one half (3 1/2) feet above the elevation of the adjoining walkway or sidewalk and the structure is architecturally and functionally incorporated into the design of the street, or~~

~~b. Where lot dimensions or presence of multiple Major Pedestrian Routes make application of this standard impractical.~~

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## E. REGIONAL CENTER [ORD 4075; November 1999]

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### 1. Development Standards.

The following supplementary standards apply to all development within the Regional Center.

A. Streets that form a boundary of a Multiple Use District for which maximum front yard setbacks shall apply are:

1. Cedar Hills Boulevard
2. Farmington Road

## EXHIBIT A

- ~~B. All buildings shall have at least one primary building entrance oriented toward an abutting street, pedestrian way, or, if available, a Major Pedestrian Route.~~
- ~~C. Building entrances shall incorporate elements that protect pedestrians from the rain and wind, such as arcades, roofs, porches, alcoves, porticos, awnings, or any combination of the foregoing.~~
- ~~D. Sidewalks are required on all streets. On Major Pedestrian Routes, sidewalks shall be at least ten (10) feet wide and provide an unobstructed path at least six (6) feet wide. All other sidewalks or pedestrian ways shall be at least eight (8) feet wide and provide an unobstructed path at least four (4) feet wide. Larger sidewalk dimensions up to twenty (20) feet are desirable in areas where pedestrian activity will be greatest or where outdoor seating is encouraged, or both.~~
- ~~E. In residential only developments, a total area equal to at least fifteen (15) percent of site area shall be devoted to outdoor common area(s). This area may include decks, roofs, or balconies, provided such spaces are easily accessible to all residents and landscaped as appropriate for such uses.~~
- ~~F. In Nonresidential and Multiple Use Developments, a total area equal to at least ten (10) percent of the site area shall be devoted to outdoor common area(s). This area may include public arcades, decks, or roof surfaces, provided such areas are easily accessible to the public (for developments that are open to the general public) or building tenants and appropriately landscaped for such uses.~~
- ~~G. Parking lots shall be placed at the side of or behind buildings or behind a landscaped buffer with a minimum depth of five (5) feet from adjacent streets or pedestrian ways. Pedestrian access from the parking lots to adjacent streets or pedestrian way shall be provided as deemed appropriate within the development review process.~~
- ~~H. Off-street loading spaces shall be placed behind or to the side of buildings to avoid blocking pedestrian connections. Loading areas should be visually screened from the street or any pedestrian way by solid walls, or landscaping, or both.~~

# EXHIBIT A

- ~~I. Parking and service areas for nonresidential and multiple use developments shall be screened from adjacent residential areas.~~
- ~~J. Mechanical equipment shall be screened from view.~~

## 2. Specific District Development Approvals.

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## ~~3. Development Standards for Development along Major Pedestrian Routes.~~

~~The following standards shall apply to all development, or any development phase, located on a site adjoining a designated Major Pedestrian Route. Major pedestrian routes shall be identified for each Multiple Use District established pursuant to this section.~~

~~Consistent with the definition of Major Pedestrian Route in Chapter 90, the Major Pedestrian Routes in the Regional Center zoning districts are identified in the map entitled "Regional Center Major Pedestrian Routes," dated 9/30/98, in the Regional Center zoning districts. Major Pedestrian Routes include all existing and future public streets and easements in the Regional Center Transit Oriented zone, along all existing and future transit routes in the three (3) Regional Center zoning districts, and on both sides of Canyon Road and SW 117th Avenue.~~

~~A. Streetscapes for Pedestrians. Development along Major Pedestrian Routes shall be designed to encourage use by pedestrians by providing a safe, comfortable and interesting walking environment. The standards in this section are intended to enhance street safety and pedestrian comfort by providing ground-level features of interest to pedestrians, and by creating an urban streetscape appropriate for a Regional Center.~~

~~Architecture helps define the character and quality of a street and can make a strong statement about the overall city at large. The placement and design of buildings provide the framework for the streetscape and defines the edges of street space.~~

- ~~1. For Nonresidential and multiple use buildings at least 50 percent of the surface area of the ground floor elevation facing onto a Major Pedestrian Route, park, plaza or other~~

# EXHIBIT A

~~public outdoor space shall be devoted to windows or doors provided that the total combined width of such glazed areas shall equal or exceed 50 percent of the total ground level width of the related building facade. For purposes of these requirements, the height of the ground floor elevation shall be measured from the interior finished ceiling of the fronting space or ten (10) feet above grade, whichever is less. Glazed areas shall provide views into retail, office, or lobby space, pedestrian entrances, or retail display windows. For parcels with frontage on more than one Major Pedestrian Route, park, plaza or other public outdoor space, the standards of this section shall only apply to one of the multiple frontages, with the other frontages devoted to articulated facades, balustrades or other treatments of architectural interest for the combined width otherwise required for glazed areas.~~

~~2. For development, or any development phase, which is adjacent to a Major Pedestrian Route, non residential and non residential multiple use buildings shall be located so that a minimum of 50 percent of the frontage is occupied by one or more buildings lying within five (5) feet of the special setback line as specified in Section 20.20.50.E.3.D.~~

~~3. A building shall be located at public street intersection with the building fronting the streets forming the intersection.~~

~~B. Building Entrances. Provide for safe, convenient, direct and identifiable access for pedestrians between Major Pedestrian Routes and adjacent buildings.~~

~~1. For all buildings in a development, or any development phase, provide a reasonably direct access to a Major Pedestrian Route.~~

~~2. For those parcels with frontage on more than one Major Pedestrian Route, any new structure shall have an entrance on at least one frontage or one entrance at the corner of the structure facing the intersection of the Major Pedestrian Routes.~~

~~3. Secondary entries may face on other streets, off street parking areas or loading areas.~~

# EXHIBIT A

4. ~~Nonresidential and multiple use buildings shall provide reasonably direct public pedestrian access from the Major Pedestrian Route. All such entries shall be sheltered with an element such as overhang, awning, or portico with a depth of at least four (4) feet. The sheltering element shall be architecturally integrated into the design of the structure(s).~~

C. ~~Building Heights. The minimum and maximum building height standards are used to establish building scales along Major Pedestrian Routes in order to achieve a pedestrian friendly character which supports a wide variety of residential and commercial uses in combination. Buildings which are compatible in terms of scale help to create a harmonious visual setting which enhances the livability of a district and helps to bring about the successful mixing of diverse land uses and activities.~~

1. ~~The height of any portion of a building lying within twenty (20) feet of a Major Pedestrian Route shall not be less than twenty four (24) feet or greater than forty five (45) feet at finished grade of the required ten (10) foot sidewalk. An adjustment of an additional twelve (12) feet in excess of the maximum 45 foot building height is permitted for any portion of a building located above the coping, cave or deck line and beneath a plane extending back from the coping, cave or deckline at an angle of thirty (30) degrees from a horizontal plane equal to the height of the coping, cave or deckline. The point from which the thirty (30) degree angle shall be measured is at the 45 foot maximum height, twelve (12) feet from the face of curb.~~

2. ~~The height of any portion of a building located within 20 feet of a Major Pedestrian Route shall not exceed a height greater than one half the width of the abutting right of way of the Major Pedestrian Route. An adjustment of an additional twelve (12) feet in excess of the maximum building height is permitted for any portion of a building located above the coping, cave or deck line and beneath a plane extending back from the coping, cave or deckline at an angle of thirty (30) degrees from a horizontal plane equal to the height of the coping, cave or deckline. The point from which the thirty (30) degree~~

## EXHIBIT A

~~angle shall be measured is at the highest permitted elevation at twelve (12) feet from the face of curb.~~

~~D. — Parking Areas and Garages. Garages and off street surface parking areas shall be designed to be as unobtrusive and as attractive in appearance, as possible. There shall be low bushes or a low wall or berm at the perimeter of surface parking lots to reduce their visibility from the surrounding area. Barriers around the perimeter of a parking lot shall not be so high, however, that it becomes a safety or security problem. Trees shall be used extensively at the perimeter and in the interior of surface parking lots to break up large parking areas and provide shade. Access ways through surface parking lots shall be clearly identifiable through use of different paving materials, grade separation, or landscaping, well lighted, and as short as practicable.~~

~~1. — Off street parking lots shall be located to the rear or side of buildings. Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a Major Pedestrian Route, driveways for ingress and egress shall be limited to one per 75 feet. For lots with frontage of 75 feet or less, or lots abutting lots with a frontage of 75 feet or less, shared access shall be provided. In the event lot dimensions or the presence of multiple Major Pedestrian Route frontages make application of these standards impractical and notwithstanding the adjustment process, a Variance may be granted. [ORD 4224; August 2002]~~

~~2. — Off street parking lots shall provide perimeter parking lot landscaping adjacent to Major Pedestrian Routes which is a five (5) foot wide planting strip between the right of way or easement and the parking area. Planting strips shall be planted with trees at a minimum of 3" inch caliper and at a maximum of 30 feet on center. Additional landscaping shall contain evergreen plants, a solid fence or wall, or both which are not less than thirty six (36) inches or more than forty two (42) inches in height as measured from the sidewalk elevation. Other evergreen and deciduous plants and architectural features may be approved at any height. The planting strip may be designed to allow adequate access by pedestrians and vehicles.~~

## EXHIBIT A

- ~~3. Parking structures located on Major Pedestrian Routes shall incorporate one or more uses, excluding parking, at ground level along that portion of the structure fronting onto such routes. Notwithstanding the adjustment process, a Variance may be granted for either: [ORD 4224; August 2002]~~
- ~~a. Semi-subterranean parking structures, provided that the height of such structures, or portions thereof, is not greater than three and one half (3 1/2) feet above the elevation of the adjoining walkway or sidewalk and the structure is architecturally and functionally incorporated into the design of the street, or~~
- ~~b. Where lot dimensions or the presence of multiple Major Pedestrian Routes make application of this standard impractical.~~

- ~~4. **Phasing of Development Standards.** Projects may use the Final Planned Unit Development process to develop a site by phasing compliance with the development standards established in this Code. Such projects must demonstrate in the Planned Unit Development plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development. [ORD 4224; August 2002]~~

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The Major Pedestrian Maps referenced as Map 20.20.60-1, 20.20.60-2, 20.20.60-3, and 20.20.60-4 are also deleted.

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## EXHIBIT B

**Section 1: The Development Code, Ordinance No. 2050, Chapter 40 – Applications, Section 40.15.15., will be amended to read as follows:**

### 40.15. CONDITIONAL USE

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#### 40.15.15. Application.

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##### 3. Administrative Conditional Use.

A. Threshold. An application for Administrative Conditional Use shall be required when one or more of the following thresholds apply:

1. Placement of one or more portable classroom on a public or private school site.
2. ~~In industrial zoning districts, attachment of a wireless communication facility to an existing or new building or structure not utilizing stealth design. [ORD 4248; April 2003]~~
3. ~~In industrial zoning districts, three (3) and up to and including five (5) satellite antennas greater than five (5) meters in diameter on one (1) lot. [ORD 4248; April 2003]~~
4. ~~In commercial zoning districts, up to and including five (5) satellite antennas greater than two (2) meters in diameter on one (1) lot. [ORD 4248; April 2003]~~
5. ~~In commercial and industrial zoning districts, direct to home satellite service having antennas greater than one (1) meter in diameter. [ORD 4248; April 2003]~~
6. ~~In multiple use zoning districts, up to and including three (3) satellite antennas greater than two (2) meters in diameter on one (1) lot. [ORD 4248; April 2003]~~

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## EXHIBIT B

### 4. Conditional Use.

A. Threshold. An application for Conditional Use shall be required when the following threshold applies:

1. A new conditional use is proposed.
2. ~~In any zoning district, construction of a wireless communication facility tower. [ORD 4248; April 2003]~~
3. ~~In commercial zoning districts, more than five (5) satellite antennas greater than two (2) meters in diameter on one (1) lot. [ORD 4248; April 2003]~~
4. ~~In residential and multiple use zoning districts, direct-to-home satellite service having antennas greater than one (1) meter in diameter. [ORD 4248; April 2003]~~
5. ~~In multiple use zoning districts, more than three (3) satellite antennas greater than two (2) meters in diameter on one (1) lot. [ORD 4248; April 2003]~~
6. ~~In industrial zoning districts, more than five (5) satellite antennas greater than five (5) meters in diameter on one (1) lot. [ORD 4248; April 2003]~~

\*\*\*\*\*

**Section 2:** The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.20. (Design Review), will be deleted in its entirety and replaced with the text which reads as follows:

#### 40.20. DESIGN REVIEW

##### 40.20.05. Purpose.

The purpose of Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. It is intended that monotonous, drab, unsightly, dreary and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by insuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development.

## EXHIBIT B

To achieve this purpose, the Design Review process is divided into two major components; Design Standards and Design Guidelines. Both standards and guidelines implement Design Principles, which are more general statements that guide development of the built environment. The Design Standards are intended to provide a “safe harbor” approach to designing a project. Depending on the design thresholds, designing a project to the standards would result in an administrative review process. However, the applicant may elect to bypass design review under the Design Standards and go straight to Design Review under the Design Guidelines, at the applicant's option.

An applicant for Design Review approval can address design review requirements through a combination of satisfying certain Design Standards, and in instances where it elects not to utilize Design Standards, satisfy applicable Design Guidelines. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable Design Guidelines only.

Because the Design Standards are a “safe harbor”, there is no penalty for not meeting the Design Standards. Rather, the public hearing process would be required to consider the project by relying solely on the Design Guidelines. The Design Guidelines are intended to maintain as much flexibility and originality as desired. The project proponent will simply be required to demonstrate how the project meets the Design Principles and Design Guidelines at a public hearing. The decision making authority must make findings how the guidelines are met or if they apply to the proposal.

The purpose of Design Review as summarized in this Section is carried out by the approval criteria listed herein.

### **40.20.10. Applicability.**

1. The scope of Design Review shall be limited to the exterior of buildings, structures, and other development and to the site on which the buildings, structures, and other development is located.
2. Considering the thresholds for the Design Review Compliance Letter, Design Review Two, or Design Review Three and unless exempted by Section 40.20.10.3, Design Review approval shall be required for the following:
  - A. All uses listed as Conditional Uses in the RA, R10, R7, R5, and R4 zoning districts.

## EXHIBIT B

- B. All uses listed as Permitted and Conditional Uses in the R3.5, R2, and R1 residential zoning districts.
  - C. All uses listed as Permitted and Conditional Uses in all commercial, industrial, and multiple use zoning districts.
  - D. Site grading.
3. Design Review approval shall not be required for the following:
- A. All uses listed as Permitted Uses in the RA, R10, R7, R5, and R4 residential zoning districts.
  - B. Detached dwellings and related residential accessory structures in any zoning district.
  - C. Maintenance of a building, structure, or site in a manner that is consistent with previous approvals.
  - D. Painting of any building in any zoning district.
  - E. Wireless communication facilities.
4. Design review approval through one of the procedures noted in Section 40.20.15. will be required for all new development where applicable. The applicable design principles, standards or guidelines will serve as approval criteria depending on the procedure. Existing developments, and proposed additions, demolitions and redevelopments associated with them, will be treated according to the following principles:
- A. Development constructed or approved prior to the effective date of the ordinance adopting the design review update is not subject to new principles, standards and guidelines, and is considered fully conforming to the approvals issued at the time the development was approved by the City. Existing developments are not considered non-conforming if they do not meet new design standards. If existing development is structurally damaged or destroyed by casualty, replacement shall occur as follows:
    - 1. If structural damage or destruction is less than or equal to fifty percent (50%) of the existing gross floor area of the existing development, the area of damage or destruction

## EXHIBIT B

can be replaced as legally existed on the site before the casualty loss.

2. If structural damage or destruction is more than fifty percent (50%) of the existing gross floor area of the existing development, the area of damage or destruction must meet the provisions of this Code in every regard unless otherwise authorized by the provisions of this Code.
  - B. Proposed new free-standing building(s) within an existing development will be subject to all applicable design standards.
  - C. Proposed redevelopment of existing structures, where demolition of up to and including 25% of the area of the existing structure is proposed, new design standards or design guidelines are not applicable. If demolition is proposed greater than 25% up to and including 50% of the existing structure, 10% of the overall construction budget for new building improvements will be required to be devoted to improving portions of the building so as to meet applicable design standards or design guidelines. If demolition is proposed greater than 50% of the area of the existing structure, the full redevelopment project is subject to all applicable design standards or design guidelines.
5. Design Review approval is required for all applicable new and existing developments. The City recognizes, however, that meeting all applicable design standards in an early phase of a multi-phased development on a large site may be difficult. It also recognizes that creating high quality pedestrian environments along Arterial Streets poses many challenges. In recognition of these and other issues, the following options are available.
  - A. Projects may use a Design Review Build-out Concept Plan (DRBCP), approved through a Type 3 process, to develop a site by demonstrating conceptually full compliance at build-out with the design review standards established in Section 60.05. Such projects must demonstrate in a DRBCP how future development of the site, to the minimum applicable floor area development standards contained in Chapter 20 of the Beaverton Development Code and to the minimum applicable design standards contained in Chapter 60.05 or greater, can be achieved at ultimate build out of the DRBCP. A DRBCP shall:

## EXHIBIT B

1. Include an overall site area of at least three (3) acres;
  2. Not rely on the removal of a structure greater than 20% of the gross floor area of a development constructed in an early phase in order to demonstrate compliance in later phases.
- B. When a development site abuts two (2) or more Arterial Streets that are also designated Major Pedestrian Routes, application of the applicable design standards may be moved from along the Arterial Streets. This alternative is to provide parking lot drive aisles developed as internal private streets, and to locate buildings along the internal private streets, subject to the following:
1. The internal private streets shall extend from the Arterial Street to another public street, or back to an Arterial Street in such a way that street continuity is maintained along the entire internal street, and with abutting properties.
  2. A public access easement shall be required along the internal private streets.
  3. Buildings shall occupy a minimum percentage of the frontage of the internal private streets that is equal to the amount of lineal building frontage that would have been required under the standards for the Major Pedestrian Routes, and a minimum of 50% of the internal private streets shall have building frontage on both sides of the street.
  4. All applicable design standards contained in Section 60.05, particularly 60.05.15.6 Building location and orientation along streets in Multiple Use Districts, 60.05.15.7 Building scale along streets in Multiple Use Districts, 60.05.20.9 Street frontages in Multiple Use Districts, and 60.05.20.10 Ground floor uses in parking structures shall be met by buildings along the internal private streets.

## EXHIBIT B

### 40.20.15. Application.

There are three (3) Design Review applications which are as follows: Design Review Compliance Letter, Design Review Two, and Design Review Three.

#### 1. Design Review Compliance Letter.

A. Threshold. An applicant may utilize the Design Review Compliance Letter process when the application is limited to one or more of the following categories of proposed action:

1. Minor design changes to existing building or site including, but not limited to:
  - a. Façade changes, except changes in color.
  - b. Addition, elimination, or change in location of windows.
  - c. Addition, elimination, or change in location of person doors and loading doors.
  - d. Addition of new and change to existing awnings, canopies, and other mounted structures to an existing façade.
  - e. Demolition or other reduction of up to 25 percent of the existing building square footage.
  - f. Modification of on-site landscaping with no reduction in required landscaping.
  - g. Modification of off-street parking with no reduction in required parking spaces or increase in paved area.
  - h. Addition of new fences, retaining walls, or both.
  - i. Changing of existing grade.
2. Proposed additions of gross floor area to buildings in residential, commercial, or multiple use zones up to and including building area equal to 25% of the gross square feet of floor area of the existing building, but not to exceed 2,500 gross square feet of floor area.
3. Proposed additions to buildings in industrial zones up to and including building area equal to 15% of the gross square feet of floor area of the existing building, but less than 30,000 gross square feet of floor area.

## EXHIBIT B

- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Design Compliance Letter. The decision making authority is the Director.
- C. Approval Criteria.
1. The proposal satisfies the threshold requirements for a Design Compliance Review Letter.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
  4. The proposal meets all applicable Site Development Requirements of Sections 20.05.50, 20.10.50, 20.15.50, and 20.20.50 of this Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal.
  5. The proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).
  6. If applicable, the proposed addition to an existing building, and only that portion of the building containing the proposed addition, complies with the applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) as they apply to the following:
    - a. Building articulation and variety.
    - b. Roof forms.
    - c. Building materials.
    - d. Perimeter/foundation landscaping requirements.
    - e. Screening roof-mounted equipment requirements.
    - f. Screening loading areas, solid waste facilities and similar improvements.
    - g. Lighting requirements.

## EXHIBIT B

7. The proposal complies with all applicable provisions in Chapter 60 (Special Regulations).
  8. The proposal does not modify any conditions of approval of a previously approved Type 2 or Type 3 application.
  9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Design Compliance Letter shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Design Compliance Letter application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Design Compliance Letter application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.
2. **Design Review Two.**
- A. Threshold. An application for Design Review Two shall be required when an application is subject to applicable design standards and one or more of the following thresholds describe the proposal:
1. New construction of up to and including 50,000 gross square feet of floor area where the development does not abut any residential zone.
  2. New construction of up to and including 30,000 gross square feet of floor area where the development abuts or is located within any residential zone.

## EXHIBIT B

3. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet of floor area.
  4. Proposed additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet.
  5. Any change in excess of 15 percent of the square footage of on-site landscaping or pedestrian circulation area.
  6. Any new or change to existing on-site vehicular parking, maneuvering, and circulation area which adds paving or parking spaces.
  7. New parks in non-residential zoning districts.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Design Review Two. The decision making authority is the Director.
- C. Approval Criteria.
1. The proposal satisfies the threshold requirements for a Design Review Two application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
  4. The proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).
  5. For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) or can demonstrate that the additions or modifications are

## EXHIBIT B

moving towards compliance of specific Design Standards if any of the following conditions exist:

- a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable standard; or
- b. The location of existing structural improvements prevent the full implementation of the applicable standard; or
- c. The location of the existing structure to be modified is more than 300 feet from a public street.

If the above listed conditions are found to exist and it is not feasible to locate a proposed addition in such a way that the addition abuts a street, then all applicable design standards except the following must be met:

- a. If in a Multiple-Use District, building location, entrances and orientation along streets, and parking lot limitations along streets (Standards 60.05.15.6 and 60.05.20.8)
  - b. If in a Multiple-Use or Commercial District, ground floor elevation window requirements (Standard 60.05.15.8).
6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Design Review Two shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Design Review Two application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Design Review Two application to ensure compliance with the approval criteria.

## EXHIBIT B

- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

### 3. Design Review Three.

- A. Threshold. An application for Design Review Three shall be required when an application is subject to applicable design guidelines and one or more of the following thresholds describe the proposal:
  - 1. New construction or addition of more than 50,000 gross square feet of floor area where the development does not abut any residential zone.
  - 2. New construction or addition of more than 30,000 gross square feet of floor area where the development abuts or is located within any residential zone.
  - 3. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet of floor area.
  - 4. Additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet.
  - 5. Projects proposed utilizing the options described in Section 40.20.10.5.
  - 6. New parks in residential zoning districts.
  - 7. A project meeting the Design Review Compliance Letter thresholds which does not meet an applicable design standard(s).
  - 8. A project meeting the Design Review Two thresholds which does not meet an applicable design standard.

## EXHIBIT B

B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Design Review Three. The decision making authority is the Board of Design Review.

C. Approval Criteria.

1. The proposal satisfies the threshold requirements for a Design Review Three application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
4. The proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).
5. For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Guidelines if any of the following conditions exist:
  - a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or
  - b. The location of existing structural improvements prevent the full implementation of the applicable guideline; or
  - c. The location of the existing structure to be modified is more than 300 feet from a public street.

If the above listed conditions are found to exist and it is not feasible to locate a proposed addition in such a way that the addition abuts a street, then all applicable design standards except the following must be met:

## EXHIBIT B

- a. If in a Multiple-Use District, building location, entrances and orientation along streets, and parking lot limitations along streets (Standards 60.05.15.6 and 60.05.20.8)
  - b. If in a Multiple-Use or Commercial District, ground floor elevation window requirements (Standard 60.05.15.8).
6. For DRBCP proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in this Code or greater, can be realistically achieved at ultimate build out of the DRBCP.
  7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Design Review Three shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Design Review Three application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Design Review Three application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

## EXHIBIT B

**Section 3:** The Development Code, Ordinance No. 2050, Chapter 40 – Applications, will be amended to add Section 40.87. which will read as follows:

### 40.87. PUBLIC TRANSPORTATION FACILITY

#### 40.87.05 Purpose

The purpose of the Public Transportation Facility application is to identify development review standards and procedures for the review of public transportation improvements that are subject to such review.

#### 40.87.10 Applicability

1. This Section applies to the design and construction of public transportation facilities including roadways and bridges, and transit, bicycle and pedestrian facilities within public rights-of-way and the areas adjacent to the rights-of-way where physical changes occur as a result of such design and construction. Unless exempted by Section 40.87.10.2, Public Transportation Facility application approval shall be required for Collectors, Arterials, Principal Arterials, and Freeways.
2. Unless specified in the applicable thresholds for Public Transportation Facility, approval shall not be required for the following:
  - A. Local and Neighborhood Route streets.
  - B. Public transportation facility improvements which were required as a part of another development application.
  - C. Maintenance, preservation, and repair of existing public roads, transportation facilities and structures within all existing rights-of-way and easements.
  - D. Modifications within all existing rights-of-way and easements including, but not limited to striping, addition of curbs or medians, sidewalks speed humps, curb extensions, street lighting, signalization, reflectors, buttons, signs, flashing beacons, or other similar modifications.
  - E. Bus turnouts within all existing rights-of-way.

## EXHIBIT B

- F. Reconstruction or matching replacement of a public transportation facility within all existing rights-of-way, including the enlargement or removal of culverts, pilings or similar structures, provided they are not located in a floodplain, special flood hazard area, or Significant Natural Resource Area.
- G. Contractor construction staging areas and stockpiling of materials within all public rights-of-way or easements.
- H. Repairs, improvements, detours and traffic pattern changes that are made in response to an emergency.
- I. Private Streets

### 40.87.15 Application.

There is a single Public Transportation Facility application which is subject to the following requirements.

#### 1. Public Transportation Facility.

- A. Threshold. An application for Public Transportation Facility shall be required when the applicability statements listed in Section 40.87.10.1 apply, none of the exemptions listed in Section 40.87.10.2 apply, and one or more of the following thresholds describe the proposal:
  - 1. New transportation facilities which:
    - a. Require the acquisition of right-of-way, or
    - b. Are located within existing public right-of-way where no transportation facility currently exists.
  - 2. The extension or widening of existing transportation facilities which:
    - a. Require the acquisition of right-of-way, or
    - b. Are located within an existing public right-of-way.
    - c. Increases the combined width of existing street improvements by six (6) feet or more.

## EXHIBIT B

3. Construction activities including contractor construction staging areas and stockpiling of materials outside a public right-of-way or easement.
  4. Transit shelters.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Public Transportation Facility. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Public Transportation Facility application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Public Transportation Facility application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
  4. The proposal meets all applicable design standards for the classification of the subject road as specified by the *Engineering Design Manual and Standard Drawings* unless the applicable provisions have been modified by the City Engineer by separate process.
  5. The alignment of the new or extended transportation facility is consistent with the general location shown in the Comprehensive Plan Transportation Element.
  6. Any interim improvements have been designed to accommodate future improvement of the facility to ultimate standards.
  7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

## EXHIBIT B

- D. Submission Requirements. An application for a Public Transportation Facility shall be made by the City Engineer or an authorized agent of a public agency with jurisdiction, on a form provided by the Director and shall be filed with the Director. The Public Transportation Facility application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Public Transportation Facility application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

**Section 4: The Development Code, Ordinance No. 2050, Chapter 40 – Applications, will be amended to add Section 40.96. which will read as follows:**

### **40.96 WIRELESS FACILITY**

#### **40.96.05. Purpose.**

The purpose of the wireless facility application is to ensure the review and implementation of the regulations for the construction and use of wireless communication facilities in the City of Beaverton. The section is consistent with the federal Telecommunications Reform Act of 1996 and is intended to minimize potential adverse visual, aesthetic, and safety impacts of wireless communication facilities on residential neighborhoods, and on the community as a whole by establishing review standards for the use, placement, and design of wireless communication facilities. This Section is carried out by the approval criteria listed herein.

## EXHIBIT B

### 40.96.10. Applicability.

The development, installation, and modification of wireless facilities listed in Chapter 20 (Land Uses) for each zoning district shall be subject to the provisions of this section.

### 40.96915. Application.

There are three (3) Wireless Facility applications which are as follows: Wireless Facility One, Wireless Facility Two, and Wireless Facility Three.

#### 1. Wireless Facility One.

A. Threshold. An application for Wireless Facility One shall be required when one or more of the following thresholds apply:

1. In any zoning district, collocation of a new wireless communication facility on an existing wireless communication tower that does not exceed the maximum height standard for wireless communications facilities of the underlying zoning district.
2. In any zoning district, incorporation of wireless communication facilities into the architectural features of existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes, and that utilize stealth design.
3. In any zoning district, attachment of wireless communications facilities to existing structures consistent with the provisions of Section 60.70.35.13.
4. In industrial zoning districts, up to and including two (2) satellite antennas less than five (5) meters in diameter on one (1) lot.
5. In commercial zoning districts, up to and including two (2) satellite antennas more than two (2) meters in diameter on one (1) lot.
6. In any zoning district, installation of one (1) replacement tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing

## EXHIBIT B

collocation opportunity consistent with previous land use approvals.

7. In any zoning district, attachment of antennas to tower structures or pole structures other than those used for cellular phone service.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Wireless Facility One. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Wireless Facility One application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Wireless Facility One application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
  4. The proposal meets all applicable Site Development Requirements of Sections 20.05.50, 20.10.50, 20.15.50, and 20.20.50 of this Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal.
  5. The proposal complies with all applicable provisions in Chapter 60 (Special Regulations).
  6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

## EXHIBIT B

- D. Submission Requirements. An application for a Wireless Facility One shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Wireless Facility One application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Wireless Facility One application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

### 2. Wireless Facility Two.

- A. Threshold. An application for Wireless Facility Two shall be required when one or more of the following thresholds apply:
  - 1. In all industrial zoning districts, construction of a wireless communication facility tower.
  - 2. In any zoning district, attachment of a new wireless communication facility to existing or new buildings or structures provided that these buildings and structures are not exclusively used for single-family or multi-family residential purposes, and stealth design is utilized.
  - 3. In industrial zoning districts, attachment of a wireless communication facility to an existing or new building or structure not utilizing stealth design.
  - 4. In commercial and industrial zoning districts, direct-to-home satellite service having antennas greater than one (1) meter in diameter.
  - 5. In multiple use zoning districts, up to and including three (3) satellite antennas greater than two (2) meters in diameter on one (1) lot.

## EXHIBIT B

6. In industrial zoning districts, three (3) and up to and including five (5) satellite antennas greater than five (5) meters in diameter on one (1) lot.
  7. In commercial zoning districts, up to and including five (5) satellite antennas greater than two (2) meters in diameter on one (1) lot.
  8. In any zoning district, and subject to the approval of an Adjustment or Variance, collocation of a new wireless communication facility inclusive of antennas on an existing wireless communication facility tower that exceeds the maximum height standard for wireless communications facilities of the underlying zoning district.
  9. In any zoning district, above-ground installation of equipment for wireless communication facilities on streetlights, or traffic signal lights, or high voltage power utility poles, within the road right-of-way of designated Freeways and Arterial streets.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Wireless Facility Two. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Wireless Facility Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Wireless Facility Two application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.

## EXHIBIT B

4. The proposal will not obstruct any existing or approved vehicular, pedestrian, or bicycle connection identified in the Comprehensive Plan.
  5. That the development has been designed to, where possible, incorporate and preserve existing trees and vegetation of significant size and species.
  6. That grading of the site shall take place with particular attention to minimizing the possible adverse effect of grading on the natural vegetation and physical appearance of the site.
  7. That the quality, location, size and aesthetic design of walls, fences, berms, hedges, screen planting and landscape areas have minimal adverse effect on existing or approved abutting land uses.
  8. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Wireless Facility Two shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Wireless Facility Two application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Wireless Facility Two application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

## EXHIBIT B

### 3. Wireless Facility Three.

A. Threshold. An application for Wireless Facility Three shall be required when the following threshold applies:

1. In all zoning districts, except industrial, construction of a wireless communication facility tower.
2. A wireless communication facility tower proposed to be set back less than fifty (50) feet from abutting residential, or multiple use zoning districts.
3. In industrial zoning districts, attachment of a new wireless communication facility to an existing or new building or structure that does not utilize stealth design.
4. In residential and multiple use zoning districts, direct-to-home satellite service having antennas greater than one (1) meter in diameter.
5. In multiple use zoning districts, more than three (3) satellite antennas greater than two (2) meters in diameter on one (1) lot.
6. In commercial zoning districts, more than five (5) satellite antennas greater than two (2) meters in diameter on one (1) lot.
7. In industrial zoning districts, more than five (5) satellite antennas greater than five (5) meters in diameter on one (1) lot.
8. In any zoning district, above-ground installation of equipment for wireless communication facilities on streetlights, or traffic signal lights, or high voltage power utility poles within the road right-of-way of designated Collector Streets, Neighborhood Route Streets, or Local Streets.

B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Wireless Facility Three. The decision making authority is the Planning Commission.

## EXHIBIT B

- C. Approval Criteria. In order to approve a Wireless Facility Three application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Wireless Facility Three application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. In relationship to the existing surroundings and future allowed uses, the location, size, shape, height, spatial and visual arrangement of the use and structure is compatible.
  4. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.
  5. The proposal will not obstruct any existing or approved vehicular, pedestrian, or bicycle connection identified in the Comprehensive Plan.
  6. That the development has been designed to, where possible, incorporate and preserve existing trees and vegetation of significant size and species.
  7. That grading of the site shall take place with particular attention to minimizing the possible adverse effect of grading on the natural vegetation and physical appearance of the site.
  8. That the quality, location, size and aesthetic design of walls, fences, berms, hedges, screen planting and landscape areas have minimal adverse effect on existing or approved abutting land uses.
  9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

## EXHIBIT B

- D. Submission Requirements. An application for a Wireless Facility Three shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Wireless Facility Three application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Wireless Facility Three application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

## EXHIBIT C

**Section 1: The Development Code, Ordinance No. 2050, Chapter 50 - Procedures, Section 50.30.2., will be amended to read as follows:**

### 50.30. Neighborhood Review Meeting

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2. Prior to submittal of an application subject to a Type 3 procedure, the applicant shall provide an opportunity to meet with neighboring property owners, residents and businesses (hereinafter collectively referred to as "neighbors") as well as representatives from the NAC within whose boundaries the site is located or within the notice radius to review the proposal. The applicant shall not be required to hold more than one Neighborhood Review Meeting provided such meeting is held within six-months prior to submitting an application for one specific site. This requirement does not apply to applications required by Design Review Three threshold number 7 (Section 40.20.15.3.A.7) or applications for Quasi-Judicial Zoning Map Amendment (Section 40.97.15.1) or Discretionary Annexation Related Zoning Map Amendment (Section 40.97.15.4).

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**Section 2: The Development Code, Ordinance No. 2050, Chapter 50 - Procedures, Section 50.90.1., will be amended to read as follows:**

### 50.90. Expiration of a Decision

1. Except as otherwise specifically provided in a specific decision or in this Code, a final decision made pursuant to this Chapter shall expire automatically on the following schedule unless the approval is enacted either through construction or establishment of use within the specified time period.

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- B. Two (2) years from the effective date of decision:

Accessory Dwelling Unit (40.05.15.1)  
Administrative Conditional Use (40.15.15.3)  
Alteration of a Landmark (40.35.15.1)  
Conditional Use (40.15.15.4)  
Demolition of a Landmark (40.35.15.3)

## EXHIBIT C

~~Design Review One (40.20.15.1)~~  
Design Review Two (40.20.15.2)  
Design Review Three (40.20.15.3)

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C. One (1) year from the effective date of the decision:

~~Design Review Compliance Letter (40.20.15.1)~~  
Home Occupation One (Section 40.40.15.1)  
Home Occupation Two (Section 40.40.15.2)  
Loading Determination (Section 40.50.15.1)  
Parking Requirement Determination (Section 40.55.15.1)  
Shared Parking (Section 40.55.15.2)  
Signs (Section 40.60.15.1)  
Solar Access (Section 40.65.15.1)  
Use of Excess Parking (Section 40.55.15.3)

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# EXHIBIT D

**Section 1: The Development Code, Ordinance No. 2050, Chapter 60 - Special Regulations, will be amended to add Section 60.05. (Design Review Principles, Standards, and Guidelines) which will read as follows:**

**60.05 DESIGN REVIEW DESIGN PRINCIPLES, STANDARDS AND GUIDELINES**

**60.05.05 Purpose.** The following design principles, standards and guidelines shall be met by new development, and redevelopment where applicable, throughout the City in the following zoning districts:

1. Attached residential developments in the R-3.5, R-2 and R-1 zones and in planned unit developments in the R-10, R-7, R-5 and R-4 zones when attached residential developments are proposed,
2. Conditional uses in residential zoning districts where a new building or major remodeling of an existing building is proposed and public parks,
3. Development in multiple-use districts,
4. Commercial office, retail, and service developments, and
5. Industrial developments.

**60.05.10 Design Principles.** The following design principles are general statements to guide the development of the built environment, the appearance of that development, and the affect of that development to the existing surroundings. The design guidelines and standards implement these principles.

1. **Building Design and Orientation.** Design buildings that enhance the visual character of the community and take into account the surrounding neighborhoods, provide permanence, and create a sense of place. In residential, commercial and multiple-use districts, design buildings that contribute to a safe, high quality pedestrian-oriented streetscape.
2. **Multiple Use District Building Orientation and Design.** Locate buildings so they are conveniently and safely accessible from on-site and off-site sidewalks and streets, and so buildings near the edge of a right of way provide a high quality, pedestrian oriented streetscape, contribute to safety by offering “eyes on the street” and promote pedestrian safety and use. Provide a pedestrian-friendly environment

## EXHIBIT D

through building and site design treatments that may vary in nature and degree depending on the character of the urban area, the characteristics of the street, and the type of use and development proposed.

3. **Circulation and Parking Design.** Provide integrated multi-modal circulation and parking improvements that are safe and convenient, connect to surrounding neighborhoods and streets, and serve the needs of development.
  4. **Landscape, Open Space, and Natural Areas Design.** Create landscape areas that contribute to the aesthetics of the community, conserve, protect, enhance or restore natural features and the natural environment, provide an attractive setting for buildings, and provide safe, interesting outdoor spaces for residents, customers, employees, and the community. Whenever possible, utilize native vegetative species which are disease and drought tolerant.
  5. **Lighting Design.** Provide exterior lighting for buildings, parking lots, pedestrian pathways, vehicular areas, pedestrian plazas, public open spaces to ensure public safety and convenience, and to minimize excessive illumination on environmentally sensitive areas, adjoining properties, and streets.
- 60.05.15. **Building Design and Orientation Standards.** Unless otherwise noted, all standards apply in all zoning districts.
1. **Building articulation and variety.**
    - A. Residential buildings in residential zones shall be limited in length to two hundred (200) feet.
    - B. Buildings visible from and within 200 feet of an adjacent public street except for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts where elevations visible from and within 100 feet of an adjacent public street, and elevations that include a primary building entrance or multiple tenant entrances, excluding roofs, shall have a minimum portion of the elevation devoted to permanent architectural features designed to provide articulation and variety. These permanent features include, but are not limited to windows, bays and offsetting walls that extend at least eighteen inches (18”), recessed entrances, loading doors and bays, and changes in material types. Changes in material

## EXHIBIT D

types shall have a minimum dimension of two feet and minimum area of 25 square feet. The percentage of the total square footage of elevation area is:

1. Thirty (30) percent in residential zones, and all uses in multiple-use and commercial zones.
  2. Fifty (50) percent in commercial zones where glazing is less than thirty five (35) percent pursuant to Section 60.05.15.8.A.3.
  3. Fifteen (15) percent in industrial uses.
- C. The maximum spacing between permanent architectural features shall be no more than:
1. Forty (40) feet in residential zones, and all uses in multiple-use, and commercial zones.
  2. Sixty (60) feet in industrial zones.
2. **Roof forms.**
- A. All sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.
  - B. Sloped roofs on residential uses in residential zones, and all uses in multiple-use and commercial zones, shall have eaves, exclusive of rain gutters, that must project from the building wall at least twelve (12) inches.
  - C. All flat roofs with a slope of less than 4/12 pitch shall be architecturally treated or articulated with a parapet wall that must project vertically above the roof line at least twelve (12) inches.
  - D. When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structures shall have similar slope and be constructed of the same materials as existing roofs.
  - E. Smaller feature roofs are not subject to the standards of this Section.

## EXHIBIT D

3. **Primary building entrances.** Primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided. The covered area providing weather protection shall be at least six (6) feet wide and four (4) feet deep.
  
4. **Exterior building materials**
  - A. For residential uses in residential districts, a minimum of seventy-five (75) percent of each elevation that is visible from and within 200 feet of a public street or a public park, public plaza or other public open space, and on elevations that include a primary building entrance or multiple tenant entrances shall be double wall construction.
  
  - B. For conditional uses in residential zones and all uses in multiple-use, commercial and industrial zones, except for manufacturing, fabricating, processing, packing, storage and wholesale and distribution facilities which is a principle use of the site in industrial zones, a maximum of thirty (30) percent of each elevation that is visible from and within 200 feet of a public street or a public park, public plaza or other public open space, and on elevations that include a primary building entrance or multiple tenant entrances may be plain, smooth, unfinished concrete, concrete block, plywood and sheet pressboard. In the case of manufacturing, fabricating, processing, packing, storage and wholesale and distribution facilities which is a principle use of the site in industrial zones, this standard shall apply to the primary elevation that is visible from and within 200 feet of a public street or a public park, public plaza or other public open space. The remaining elevation area for all applicable uses in all applicable zones shall be architecturally treated. Appropriate methods of architectural treatment shall include, but are not limited to, scoring, changes in material texture, and the application of other finish materials such as wood, rock, brick or tile wall treatment.
  
  - C. For conditional uses in residential zones and all uses in multiple use and commercial districts, plain, smooth, exposed concrete and concrete block used as foundation material shall not be more than three (3) feet above the finished grade level adjacent to the foundation wall, unless pigmented, textured, or both. In

## EXHIBIT D

industrial districts, foundations may extend up to four (4) feet above the finished grade level.

### 5. **Roof-mounted equipment.**

- A. All roof-mounted equipment shall be screened from view from adjacent streets or adjacent properties in one of the following ways:
  - 1. A parapet wall; or
  - 2. A screen around the equipment that is made of a primary exterior finish material used on other portions of the building; or
  - 3. Setback from the street-facing elevation such that it is not visible from the public street(s).
- B. The vertical measuring distance for required screening shall be measured at five (5) feet above the finished or existing grade of the abutting property or public right-of-way adjacent to the development site's front yard setback for a distance of one hundred (100) lineal feet measured outward from the development site's front property line. Once the vertical measuring distance is established for the site's front yard, this same vertical measuring distance shall be applied to all sides of the development site's perimeter property lines.
- C. Solar panels, dishes/antennas, pipes, vents, and chimneys are exempt from this standard.

### 6. **Building location and orientation along streets in Multiple Use and Commercial zoning districts.**

- A. Buildings in Multiple Use zones shall occupy a minimum public street frontage as follows:
  - 1. 50 percent of the street frontage where a parcel abuts a Class 1 Major Pedestrian Route.
  - 2. 35 percent of the street frontage where a parcel abuts a Class 2 Major Pedestrian Route.

## EXHIBIT D

- B. Buildings in Commercial zones shall occupy a minimum of 35 percent public street frontage where a parcel exceeds 60,000 gross square feet. These buildings shall be located no further than 20 feet from the property line. The area between the building and property line shall be landscaped to standards found in Section 60.05.25.3.B or 60.05.25.3.C.
- C. Buildings on corner lots of multiple Major Pedestrian Routes shall be located at the intersections of the Major Pedestrian Routes. Where a site has more than one corner on a Major Pedestrian Route, this requirement must be met at only one corner.
- D. All buildings that abut a Class 1 Major Pedestrian Route shall have at least one primary building entrance oriented toward, or with a direct pedestrian connection to an abutting street or pedestrian way. Where there is more than one abutting Class 1 Major Pedestrian Route, the primary entrance shall have a reasonably direct pedestrian connection to a minimum of one abutting Class 1 Major Pedestrian Route or shall be oriented to a Class 1 Major Pedestrian Route corner. Pedestrian connections shall:
  - 1. Be no more than 100 feet long (between the building entrance and street), and
  - 2. Shall not cross vehicular circulation and parking areas.
- E. Secondary entrances may face on streets, off-street parking areas, or landscaped courtyards.

### 7. Building scale along Major Pedestrian Routes

- A. The height of any portion of a building at the property line as measured from the finished grade at the property line abutting a Major Pedestrian Route shall be a minimum of twenty-two (22) feet and a maximum of sixty (60) feet. The City shall authorize heights greater than sixty (60) feet if the portion of a building that is greater than sixty (60) feet in height is twenty (20) feet from the property line and the proposed height is consistent with Section 20.20.50. for the specific zoning district.

## EXHIBIT D

B. The maximum heights specified in Section 20.20.50 shall not be exceeded, unless separately authorized through an adjustment or variance application.

### 8. Ground floor elevations on commercial and multiple use buildings.

A. Except those used exclusively for residential use, ground floor elevations visible from and within 200 feet of a public street, Major Pedestrian Route, or a public park, public plaza or other public open space, and elevations that include a primary building entrance or multiple tenant entrances, shall have the following minimum percent of the ground floor elevation area permanently treated with windows, display areas or glass doorway openings.

1. Class 1 Major Pedestrian Routes: Fifty (50) percent.
2. Class 2 Major Pedestrian Routes: Thirty-five (35) percent.
3. Buildings on parcels in excess of 25,000 gross square feet within a Commercial zoning district: Thirty-five (35) percent.

Less glazing may be provided in a commercial zoning district when increased building articulation and architectural variety is provided pursuant to Section 60.05.15.1.B.2 of this Code.

For the purpose of this standard, ground floor elevation area shall be measured from three (3) feet above grade to ten (10) feet above grade the entire width of the elevation. The ground floor elevation requirements shall be met from grade to twelve (12) feet above grade.

B. Except those used exclusively for residential use, ground floor elevations that are located on a Major Pedestrian Route, sidewalk, or other space where pedestrians are allowed to walk shall provide weather protection to the following minimum percent of the length of the elevation.

1. Class 1 Major Pedestrian Routes: Fifty (50) percent.
2. Class 2 Major Pedestrian Routes: Thirty-five (35) percent.

## EXHIBIT D

**60.05.20. Circulation and Parking Design Standards.** Unless otherwise noted, all standards apply in all zoning districts.

- 1. Connections to the public street system.** Connections shall be provided between the on-site circulation system and adjacent existing and planned streets as specified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan Transportation Element.
- 2. Loading areas, solid waste facilities and similar improvements.**
  - A. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, transformer and utility vaults and similar activities shall be located in an area not visible from a public street, or shall be fully screened from view from a public street.
  - B. Except for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, all loading docks and loading zones shall be located in an area not visible from a public street, or shall be fully screened from view from a public street.
  - C. Screening from public view for service areas, loading docks, loading zones and outdoor storage areas, waste storage, disposal facilities, transformer and utility vaults and similar activities shall be fully sight-obscuring, shall be constructed a minimum of one foot higher than the feature to be screened, and shall be accomplished by one or more of the following methods:
    1. Solid screen wall constructed of primary exterior finish materials utilized on primary buildings,
    2. Solid hedge wall with a minimum ninety-five (95) percent opacity within two (2) years.
    3. Solid wood fence
  - D. Screening from public view by chain-link fence with or without slats is prohibited.
  - E. Screening of loading zones may be waived in commercial and multiple-use districts if the applicant demonstrates the type and size of loading vehicles will not detract from the project's

## EXHIBIT D

aesthetic appearance and the timing of loading will not conflict with the hours or operations of the expected businesses.

### 3. Pedestrian circulation.

- A. Pedestrian connections shall be provided that link to adjacent existing and planned pedestrian facilities as specified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan Transportation Element, and to the abutting public street system and on-site buildings, parking areas, and other facilities where pedestrian access is desired. Pedestrian connections shall be provided except when one or more of the following conditions exist:
1. Where physical or topographic conditions, such as a grade change of ten (10) feet or more at a property line to an adjacent pedestrian facility, make connections impractical,
  2. Where uses including manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts occur,
  3. Where on-site activities such as movement of trucks, forklifts, and other large equipment would present potential conflicts with pedestrians, or
  4. Where buildings or other existing development on adjacent lands physically preclude a connection now or in the future.
- B. A reasonably direct walkway connection is required between primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, and public and private streets, transit stops, and other pedestrian destinations.
- C. A reasonably direct pedestrian walkway into a site shall be provided for every 300 feet of street frontage or for every eight aisles of vehicle parking if parking is located between the building and the street. A reasonably direct walkway shall also be provided to any accessway abutting the site. This standard may be waived when topographic conditions, man-made

## EXHIBIT D

features, natural areas, etc. preclude walkway extensions to adjacent properties.

- D. Pedestrian connections through parking lots shall be physically separated from adjacent vehicle parking and parallel vehicle traffic through the use of curbs, landscaping, trees, and lighting, if not otherwise provided in the parking lot design.
- E. Where pedestrian connections cross driveways or vehicular access aisles a continuous walkway shall be provided, and shall be composed of a different paving material than the primary on-site paving material.
- F. Pedestrian walkways shall have a minimum of five (5) foot wide unobstructed clearance.
- G. Walkways shall be paved with scored concrete or modular paving materials.
- H. In the event that the Americans with Disabilities Act (ADA) contains stricter standards for any pedestrian walkway, the ADA standards shall apply.

#### 4. Street frontages and parking areas.

- A. Surface parking areas abutting a public street shall provide perimeter parking lot landscaping which meets one of the following standards:
  - 1. A minimum five (5)-foot wide planting strip between the right-of-way and the parking area. Pedestrian walkways and vehicular driveways may cross the planting strip. Trees shall be planted at a minimum 2 1/2 inch caliper at a maximum of thirty (30) feet on center. Planting strips shall be planted with an evergreen hedge that will provide a 30-inch high screen and fifty (50) percent opacity within two years. The maximum height shall be maintained at no more than thirty-six (36) inches. Areas not covered by trees or hedge shall be landscaped with live ground cover. Bumper overhangs which intrude into the planting strip shall not impact required trees or hedge; or

## EXHIBIT D

2. A solid wall or fence 30 to 36 inches in height parallel to and not nearer than four (4) feet from the right-of-way line. The area between the wall or fence and the street line shall be landscaped with live ground cover. Pedestrian walkways and vehicular driveways may cross the wall or fence.

### 5. Parking area landscaping.

- A. Landscaped planter islands shall be required according to the following:
  1. Residential uses in residential zones, one for every eight (8) contiguous parking spaces.
  2. All uses in multiple-use and commercial zones, one for every ten (10) contiguous parking spaces.
  3. All conditional uses in residential zones and industrial uses, one for every twelve (12) contiguous parking spaces.
- B. The island shall have a minimum area of 70 square feet, and a minimum width of 6 feet, and shall be curbed to protect landscaping. The landscaped island shall be planted with a tree having a minimum mature height of 20 feet. If a pole-mounted light is proposed to be installed within a landscaped planter island, and an applicant demonstrates that there is a physical conflict for siting the tree and the pole-mounted light together, the decision-making authority may waive the planting of the tree, provided that at least seventy-five (75) percent of the required islands contain trees. Landscaped planter islands shall be evenly spaced throughout the parking area.
- C. Linear raised sidewalks within the parking area connecting the parking spaces and on-site building(s) may be counted towards the total required number of landscaped islands, provided that all of the following is met:
  1. Trees are spaced a maximum of 30 feet on center on a minimum of one side of the sidewalk.
  2. The minimum unobstructed sidewalk width is five feet.
  3. The sidewalk is separated from the parking area by curbs, bollards, or other means on both sides.
  4. Trees are located in planting area with groundcover or planted in covered tree wells.
  5. Trees within the linear sidewalk area shall constitute no more than 50 percent of the total required number of

## EXHIBIT D

trees within required landscaped planter islands. All remaining required trees shall be located within landscaped planter islands.

- D. Trees planted within required landscaped planter islands or the linear sidewalk shall be of a type and species identified by the City of Beaverton Street Tree List or an alternative approved by the City Arborist.
6. **Off-Street parking frontages in Multiple-Use Districts.** Off-street surface parking areas shall be located to the rear or side of buildings. Surface parking areas located adjacent to public streets are limited to a maximum of:
- A. 50% of the street frontage along Class 1 Major Pedestrian Routes, and
  - B. 65% along Class 2 Major Pedestrian Routes.
7. **Sidewalks along streets and primary building elevations in Multiple-Use and Commercial Districts.**
- A. A sidewalk is required on all streets. The sidewalk shall be a minimum of ten (10) feet wide, and provide an unobstructed path at least five (5) feet wide.
  - B. A sidewalk is required along building elevations that include a primary building entrance, multiple tenant entrances or display windows. The sidewalk shall be a minimum of ten (10) feet wide, and provide an unobstructed path at least five (5) feet wide at building entrances, and along elevations containing display windows. Sidewalks shall be paved with scored concrete or modular paving materials. If adjacent to parking areas, the sidewalk shall be separated from the parking by a raised curb.
8. **Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts.**
- A. Parking lot drive aisles that link public streets and/or private streets with parking stalls shall be designed as private streets, unless one of the following is met:
    - 1. The parking lot drive aisle is less than 100 feet long;

## EXHIBIT D

2. The parking lot drive aisle serves 2 or less residential units; or
3. The parking lot drive aisle provides direct access to angled or perpendicular parking stalls.

B. Private streets shall meet the following standards:

1. Private streets serving non-residential uses and residential uses having five or more units shall have raised curbs and minimum five (5) foot wide unobstructed sidewalks on both sides.
2. Private streets serving less than five (5) units shall have raised curbs and a minimum five (5) foot wide unobstructed sidewalk on at least one side.

9. **Ground floor uses in parking structures.** Parking structures located on Major Pedestrian Routes shall incorporate one or more active retail or commercial uses other than parking at ground level along the entire portion of the structure fronting onto such routes. Compliance to this standard is not required when a semi-subterranean parking structure is proposed, provided that the height of such structures, or portions thereof, is not greater than three and one-half (3 1/2) feet above the elevation of the adjoining walkway or sidewalk.

**60.05.25. Landscape, Open Space, and Natural Areas Design Standards.** Unless otherwise noted, all standards apply in all zoning districts.

1. **Minimum Common Open Space Requirements for Multi-Family Development Consisting of ten (10) or more units.**

- A. Common open space shall consist of active, passive, or both open space areas, and shall be provided as follows:
1. One hundred fifty (150) square feet for each unit containing 500 or less square feet of gross floor area.
  2. Two hundred fifty (250) square feet for each unit containing more than 500 square feet and up to 1200 square feet of gross floor area.

## EXHIBIT D

3. Three hundred fifty (350) square feet for each unit containing more than 1200 square feet of gross floor area.
- B. At least twenty-five (25) percent of the total required open space area shall be active open space.
- C. For the purposes of this Section, environmentally sensitive areas shall be counted towards the minimum common open space requirement. Aboveground landscaped water quality treatment facilities shall be counted toward the minimum common open space requirement.
- D. For the purposes of this Section, vehicular circulation areas and parking areas shall not be considered common open space.
- E. For the purposes of this section, individual exterior spaces such as outdoor patios and decks constructed to serve individual units shall not be considered common open space.
- F. Common open space shall not abut a collector or greater classified street as identified in the City's adopted Functional Classification Plan, unless that common open space shall be allowed adjacent to these street classifications where separated from the street by a constructed barrier at least three (3) feet in height.
- G. Common open space shall be no smaller than 400 square feet in area, and shall have minimum length and width dimensions of 20 feet.
- H. In phased developments, common open space shall be provided in each phase of the development consistent with or exceeding the requirements for the size and number of dwelling units proposed.
- I. Active common open spaces shall be included in all developments, and shall include at least two (2) of the following improvements:
  1. A bench or other seating with a pathway or other pedestrian way;
  2. A water feature such as a fountain;
  3. A children's play structure;
  4. A gazebo;

## EXHIBIT D

5. Clubhouse;
6. Tennis courts
7. An indoor or outdoor sports court; or
8. An indoor or outdoor swimming and/or wading pool.
9. Plaza

J. The decision-making authority shall be authorized to consider other improvements in addition to those provided under subsection I, provided that these improvements provide a similar level of active common open space usage.

### **2. Minimum Landscaping Requirements for Required Front Yards and Required Common Open Space in Multiple Family Residential Zones**

- A. All front yard areas in the R-3.5, R-2 and R-1 districts, and required common open space areas in the R-2 and R-1 districts not occupied by structures, walkways, driveways, plazas or parking spaces shall be landscaped.
- B. Landscaping shall include live plants or landscape features such as fountains, ponds or other landscape elements. Bare gravel, rock, bark and similar materials are not a substitute for plant cover, and shall be limited to no more than twenty-five (25) percent of the landscape area.
- C. All street-facing elevations shall have landscaping along their foundation. When a porch obstructs a foundation, landscaping shall be installed along the outer edge of the porch. This landscaping requirement shall not apply to portions of the building facade that provide access for pedestrians or vehicles to the building, or for plazas adjacent to the building. The foundation landscaping shall meet the following minimum standards:
  1. The landscaped area shall be at least three (3) feet wide; and,
  2. For every three (3) lineal feet of foundation, an evergreen shrub having a minimum mature height of twenty-four (24) inches shall be planted; and,
  3. Groundcover plants shall be planted in the remainder of the landscaped area.

## EXHIBIT D

### 3. Minimum Landscaping Requirements for Conditional Uses in Residential Districts, and for Developments in Multiple-Use, Commercial and Industrial Districts

- A. A minimum portion of the total gross lot area shall be landscaped:
1. Conditional uses in residential districts, and all uses in commercial and industrial districts, fifteen (15) percent;
  2. All uses in multiple-use districts, ten (10) percent.
  3. Environmentally sensitive areas shall be counted towards the minimum landscape requirement. Aboveground landscaped water quality treatment facilities shall be counted toward the minimum landscape requirement.
- B. The following minimum planting requirements for required landscaped areas shall be complied with. These requirements shall be used to calculate the total number of trees and shrubs to be included within the required landscape area:
1. One (1) tree shall be provided for every eight hundred (800) square feet of required landscaped area. Evergreen trees shall have a minimum planting height of six (6) feet. Deciduous trees shall have a minimum caliper of 1.5 inches at time of planting.
  2. One (1) evergreen shrub having a minimum mature height of forty-eight (48) inches shall be provided for every four hundred (400) square feet of required landscaped area.
  3. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.
- C. A hard surface pedestrian plaza or combined hard surface and soft surface pedestrian plaza, if proposed shall be counted towards meeting the minimum landscaping requirement,

## EXHIBIT D

provided that the hard-surface portion of the plaza shall not exceed twenty-five (25) percent of the minimum landscaping requirement for conditional uses in residential districts, and shall be comprised of the following:

1. Brick pavers, or stone, scored, or colored concrete; and,
2. One (1) tree having a minimum mature height of twenty (20) feet for every three hundred (300) square feet of plaza square footage; and,
3. Street furniture including but not limited to benches, tables, and chairs; and,
4. Pedestrian scale lighting consistent with the City's Technical Lighting Standards; and,
5. Trash receptacles.

D. All building elevations visible from and within 200 feet of a public street that do not have windows on the ground floor shall have landscaping along their foundation, which shall be counted toward the minimum landscaped requirement. This landscaping requirement shall not apply to portions of the building facade that provide access for pedestrians or vehicles to the building, for plazas adjacent to the building, or when the building is within three (3) feet of the property line. The foundation landscaping shall be at least five (5) feet wide; and shall be comprised of the following:

1. One (1) tree having a minimum planting height of six (6) feet shall be planted for every thirty (30) lineal feet of foundation.
2. One (1) shrub having a minimum mature height of twenty-four (24) inches shall be planted for every three (3) lineal feet of foundation and shall be planted between required trees; and,
3. Groundcover plants shall be planted in the remainder of the landscaped area not occupied by required trees and shrubs, and shall not be planted in rows, but in a staggered manner for more effective covering.

## EXHIBIT D

4. **Public Open Space.** When, public open space is proposed by an applicant, it shall be designed to provide passive open space, active open space or both for the enjoyment of the general public unless otherwise indicated in an open space master plan approved by the City, THPRD or other jurisdiction. For the purposes of this Section, public open space is defined as the portion of a site that is developed for use by the general public, but is not dedicated and is kept under the ownership and control of the private property owner. Passive open space is where human activities are limited to defined walking and seating areas. Active open space is where human activities include recreational and social opportunities such as play fields, playgrounds, swimming pools, plazas and other recreational facilities. Public open space may be improved for passive or active recreational uses, however, it shall not include environmentally sensitive areas such as a wetland, riparian area, or significant tree grove. Public open space may be counted towards the minimum landscape requirement, provided the following is met unless otherwise approved in an open space master plan:
  - A. The public open space is located at the perimeter of a parent parcel abutting public right-of-way; or,
  - B. If not located at the perimeter of the parent parcel, the public open space shall be visible from the public right-of-way, and shall be accessible via a minimum five (5) foot wide pedestrian pathway.
  - C. Pedestrian-scale lighting consistent with the City's Technical Lighting Standards shall be provided.
  
5. **Retaining Walls.** Retaining walls greater than six (6) feet in height or longer than fifty (50) lineal feet used in site landscaping or as an element of site design shall be architecturally treated with contrasting scoring, or texture, or pattern, or off-set planes, or different applied materials, or any combination of the foregoing, and shall be incorporated into the overall landscape plan, or shall be screened by a landscape buffer. Materials used on retaining walls should be similar to materials used in other elements of the landscape plan or related buildings, or incorporate other landscape or decorative features exclusive of signs. If screening by a landscape buffer is utilized, a buffer width of at least five (5) feet is required, landscaped to the B3-High Screen Buffer standards.

## EXHIBIT D

### 6. Fences and Walls

- A. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock, or brick, or other durable materials.
- B. Chain link fences are acceptable as long as the fence is coated and includes slats made of vinyl, wood or other durable material. Slats may not be required when visibility into features such as open space, natural areas, parks and similar areas is needed to assure visual security, or into on-site areas in industrial zones that require visual surveillance.
- C. Masonry walls shall be a minimum of six inches thick. All other walls shall be a minimum of three inches thick.
- D. For manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, the preceding standards apply when visible from and within 200 feet of a public street.
- E. Fences and walls:
  - 1. May not exceed three feet in height in a required front yard along streets and eight feet in all other locations;
  - 2. May be permitted up to six feet in a required front yard along designated collector and arterial streets.

### 7. Minimize significant changes to existing on-site surface contours at residential property lines.

- A. When grading a site within twenty-five (25) feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe the following:
  - 1. 0 to 5 feet from property line. Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.

## EXHIBIT D

2. More than 5 feet and up to and including 10 feet from property line. Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
  3. More than 10 feet and up to and including 15 feet from property line. Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
  4. More than 15 feet and up to and including 20 feet from property line. Maximum of eight (8) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
  5. More than 20 feet and up to and including 25 feet from property line. Maximum of ten (10) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
- B. Notwithstanding the requirements of subsection A.1. above, grading within 25 feet of a property line shall not change the existing slopes by more than ten percent within a tree root zone of an identified significant grove or tree, or an identified historic tree located on an abutting property unless evidence provided by a certified arborist supports additional grading that will not harm the subject grove or tree.
8. **Integrate water quality, quantity, or both facilities.** Non-vaulted surface stormwater detention and treatment facilities having a side slope greater than 2:1 shall not be located between a street and the front of an adjacent building.
  9. **Natural Areas.** Development on sites with City-adopted natural resource features such as streams, wetlands, and rock outcroppings, shall be preserved to maintain the resource without encroachment into any required resource buffer standard unless otherwise authorized by other City or CWS requirements.
  10. **Landscape Buffering Requirements.** All new development and redevelopment in the City subject to Design Review shall comply with the landscape buffering requirements of Table XXX and the following standards. For purposes of this Section, a landscape buffer is required along the side and rear of properties between different zoning district

## EXHIBIT D

designations. A landscape buffer is required for non-residential land uses and parks in residential zoning districts. Both buffering standards and side and rear building setback requirements shall be met. Only landscaping shall be allowed in the landscape buffer areas. Buffer areas and building setback standards are measured from the property line, they are not additive. Where a yard setback width is less than a landscape buffer width, the yard setback width applies to the specified buffer designation (B1, B2, or B3 as appropriate). A landscape buffer width cannot exceed a minimum yard setback dimension. In addition, the buffer area and landscape standard are intended to be continuously applied along the property line, except as authorized under Section 60.05.25.4.

### A. Applicability of Buffer Standards.

1. The buffer standards shall not be applicable to individual single-family buildings on individual parcels.
2. The buffer standards shall not apply to areas where emergency access is required.
3. The buffer standards shall not apply to areas where a public utility easement exists. This exemption only applies to trees and does not exempt the requirement of shrubs and ground cover.
4. The buffer standards shall not apply along property lines where a non-residential use is already buffered by a natural feature or an open space dedication, if such a natural buffer or dedication is at least 40 feet in width, or if the width of the natural feature or open space dedication and the density and quality of landscaping meet or exceed the applicable landscape buffer standard.

**B. B1-Low Screen Buffer.** This buffer is intended to provide a minimal amount of transitional screening between zones. This buffer consists of one (1) tree having a minimum planting height of six (6) feet for every thirty (30) lineal feet of buffer width; and 2) live ground cover consisting of low-height plants, or shrubs, or grass proportionately spaced between the trees with actual spacing for low height plants or shrubs dependent upon the mature spread of the vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than

## EXHIBIT D

twenty-five (25) percent of the required buffer area. Deciduous trees having a minimum two-inch caliper at time of planting may be planted in the B1 buffer required for across the street.

- C. **B2-Medium Screen Buffer.** This buffer is intended to provide a moderate degree of transitional screening between zones. This buffer consists of live ground cover consisting of low-height plants, or shrubs, or grass, and 1) one (1) tree having a minimum planting height of six (6) feet for every thirty (30) lineal feet of buffer width; 2) evergreen shrubs which reach a minimum height of four (4) to six (6) feet within two (2) years of planting planted proportionately between the required evergreen trees. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Actual spacing for low height plants or shrubs or evergreen shrubs shall be dependent upon the mature spread of the selected vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area. Deciduous trees having a minimum two-inch caliper at time of planting may be planted in the B2 buffer required for across the street.
- D. **B3-High Screen Buffer.** This buffer is intended to provide a high degree of visual screening between zones. This buffer consists of minimum six (6)-foot high fully sight obscuring fences or walls with an adjoining landscape area on the interior of the fence when the fence is proposed within three (3) feet of the property line. If the fence is proposed to be setback from the property line more than three feet, the landscaping shall be on the exterior of the fence within a landscape area a minimum of five (5) feet in width, with adequate provision of access and maintenance of the landscaped area. The height of the fence shall be measured from the property on which the fence is to be located, and, if located on a wall, shall be in addition to the height of the wall. The landscape area shall be planted with one (1) tree having a minimum planting height of six (6) feet for every thirty (30) lineal feet of buffer width, filled between with evergreen shrubs which reach a minimum height of four (4) to six (6) feet within two (2) years of planting. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Actual spacing for low height plants

## EXHIBIT D

or shrubs or evergreen shrubs shall be dependent upon the mature spread of the selected vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.

**E. Changes to Buffer Widths and Standards.** Required buffer widths and buffer standards are the minimum requirements for buffering and screening. Changes in buffer widths and standards shall be limited to the following:

1. A request for a reduction in buffer width when a B3 buffer standard is required shall be reviewed through the public hearing process;
2. A request for a reduction in the buffer width when a B2 or B1 buffer standard is required and the applicant does not want to change the buffer standard, or when the reduction in buffer width is greater than five (5) feet, shall be reviewed through the public hearing process; and,
3. A request for a reduction in the buffer width when a B2 or B1 buffer standard is required and the reduction in buffer width is five (5) feet or less, shall be reviewed through administrative authorization provided that the next highest buffer standard is implemented.

Requests for changes in buffer widths and buffer standards shall only be authorized because of physical site constraints, or unique building or site design. An applicant shall be required to provide an adequate detailed written and plan demonstration of the physical site constraints or unique building or site design including, but not limited to, an enhanced site plan, or cross-section detail drawings, or manipulated aerial photography.

**F. Landscaping Buffering Installation.** All required buffering shall be installed prior to occupancy permit issuance.

**G. Pedestrian Plazas in Required Buffer Areas for Non-Residential Development.** For non-residential development in non-residential zoning districts, in which the building is proposed to be placed at the required front yard buffer line, concrete or brick pavers shall be authorized in place of required live groundcover, or bark, or grass, for the length of the building

## EXHIBIT D

for the front yard only; provided that required trees are still installed, the paved area is connected to the public sidewalk, and pedestrian amenities including but not limited to benches or tables, are provided.

**60.05.30. Lighting Design Standards.** Unless otherwise noted, all standards apply in all zoning districts.

**1. Adequate on-site lighting and minimize glare on adjoining properties.**

- A. Lighting shall be provided at lighting levels for development and redevelopment in all zoning districts consistent with the City's Technical Lighting Standards.
- B. Lighting shall be provided in vehicular circulation areas and pedestrian circulation areas.
- C. Lighting shall be provided in pedestrian plazas, if any developed.
- D. Lighting shall be provided at building entrances.
- E. Canopy lighting shall be recessed so that the bulb or lens is not visible from a public right-of-way.

**2. Pedestrian-scale on-site lighting.**

- A. Pole-mounted Luminaires shall comply with the City's Technical Lighting Standards, and shall not exceed a maximum of:
  - 1. Fifteen (15) feet in height for on-site pedestrian paths of travel.
  - 2. Twenty (20) feet in height for on-site vehicular circulation areas for residential uses in residential zoning districts.
  - 3. Thirty (30) feet in height for on-site vehicular circulation areas in non-residential zoning districts.
  - 4. Fifteen (15) feet for the top deck of non-covered parking structures.

## EXHIBIT D

5. The height of the poles for on-site pedestrian ways and on-site vehicular circulation areas shall be measured from the site's finished grade.
6. The height of the poles on the top deck of non-covered parking structures shall be measured from the finished floor elevation of the top deck.
7. The poles and bases for pole-mounted luminaires shall be finished or painted a non-reflective color.

- B. Non-pole-mounted luminaires shall comply with the City's Technical Lighting Standards.
- C. Lighted bollards when used to delineate on-site pedestrian and bicycle pathways shall have a maximum height of forty-eight (48) inches.

**60.05.35. Building Design and Orientation Guidelines.** Unless otherwise noted, all guidelines apply in all zoning districts.

### **1. Building Elevation Design Through Articulation and Variety**

- A. Residential buildings should be of a limited length in order to avoid undifferentiated building elevations, reduce the mass of individual buildings, and create a scale of development that is pedestrian friendly and allow circulation between buildings by pedestrians. (Standard 60.05.15.1.A.)
- B. Building elevations should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in architectural elements such as: building elevations, roof levels, architectural features, and exterior finishes should be provided. (Standard 60.05.15.1.A and B)
- C. To balance horizontal features on longer building elevations, vertical building elements, such as building entries, should be emphasized. (Standard 60.05.15.1.B)
- D. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance. (Standard 60.05.15.1.B)

## EXHIBIT D

- E. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, buildings should promote and enhance a comfortable pedestrian scale and orientation. (Standard 60.05.15.1.B)
- F. Building elevations visible from and within 200 feet of an adjacent street or major parking area should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street or major parking area should be avoided. (Standards 60.05.15.1.B and C)
- G. Building elevations visible from and within 100 feet of an adjacent street where the principle use of the building is manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities in an industrial zoning district, should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street should be avoided. (Standards 60.05.15.1.B and C)

### 2. Roof Forms as Unifying Elements

- A. Roof forms should be distinctive and include variety and detail when viewed from the street. Sloped roofs should have a significant pitch and building focal points should be highlighted. (Standards 60.05.15.2.A and B)
- B. Flat roofs should include distinctive cornice treatments. (Standard 60.05.15.2.C)
- C. Additions to existing structures which involve the addition of new roof area should respect the roof form and material of the existing structure. (Standard 60.05.15.2.D)

### 3. Primary building entrances.

- A. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, the

## EXHIBIT D

design of buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, awnings, and canopies to protect pedestrians from the rain and sun. (Standard 60.05.15.3)

- B. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance. (Standard 60.05.15.3)

### 4. Exterior Building Materials

- A. Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays. (Standard 60.05.15.4.A)
- B. Excluding development in Industrial zones, where masonry is used for exterior finish, decorative patterns (other than running bond pattern) should be considered, especially at entrances, building corners and at the pedestrian level. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone, or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile bands used in conjunction with materials such as concrete. (Standards 60.05.15.4.B and C)

- 5. **Screening of Equipment.** All roof, surface, and wall-mounted mechanical, electrical, communications, and service equipment should be screened from view from adjacent public streets by the use of parapets, walls, fences, enclosures, dense evergreen foliage, or by other suitable means. (Standards 60.05.15.5.A through C)

### 6. Building Location and Orientation in Multiple Use and Commercial districts.

- A. Buildings should be oriented and located within close proximity to public streets and public street intersections. The overall impression, particularly on Class 1 Major Pedestrian Routes, should be that architecture is the predominant design element over parking areas and landscaping. (Standard 60.05.15.6.A and B)

## EXHIBIT D

- B. The design of buildings located at the intersection of two streets should consider the use of a corner entrance to the building. (Standard 60.05.15.6.B)
- C. On Class 1 Major Pedestrian Routes, building entrances should be oriented to streets, or have reasonably direct pedestrian connections to streets and pedestrian and transit facilities. (Standard 60.05.15.6.C)

### 7. Building Scale along Major Pedestrian Routes.

- A. Architecture helps define the character and quality of a street. Along Major Pedestrian Routes, low height, single story buildings located at the right-of-way edge are discouraged. (Standard 60.05.15.7.A)
- B. Building heights at the right-of-way edge should help form a sense of street enclosure, but should not create a sheer wall out of scale with pedestrians. Building heights at the street edge should be no higher than sixty (60) feet without the upper portions of the building being set back from the vertical building line of the lower building stories. (Standard 60.05.15.7.A)

### 8. Ground Floor Elevations On Commercial And Multiple Use Buildings.

- A. Excluding residential only development, ground floor building elevations should be pedestrian oriented and provide views into retail, office or lobby space, pedestrian entrances or retail display windows. (Standard 60.05.15.8.A)
- B. Except those used exclusively for residential use, ground floor elevations that are located on a Major Pedestrian Route, sidewalk, or other space where pedestrians are allowed to walk should provide weather protection for pedestrians on building elevations. (Standard 60.05.15.8.B)

### 60.05.40. Circulation and Parking Design Guidelines. Unless otherwise noted, all guidelines apply in all zoning districts.

- 1. **Connections to public street system.** The on-site circulation system and the abutting street system should provide for efficient access and circulation, and should connect the project to abutting streets. (Standard 60.05.20.1)

## EXHIBIT D

2. **Loading area, solid waste facilities, and similar improvements.**
  - A. On-site service, storage and similar activities should be designed and located so that these facilities are screened from an abutting public street. (Standard 60.05.20.2)
  - B. Except in industrial districts, loading areas should be designed and located so that these facilities are screened from an abutting public street, or are shown to be compatible with local business operations. (Standard 60.05.20.2.)
3. **Pedestrian circulation.**
  - A. Pedestrian connections should be made between on-site buildings, parking areas, and open spaces. (Standard 60.05.20.3.A)
  - B. Pedestrian connections should connect on-site facilities to abutting pedestrian facilities and streets unless separated by barriers such as natural features, topographical conditions, or structures. (Standard 60.05.20.3.A)
  - C. Pedestrian connections should link building entrances to nearby streets and other pedestrian destinations. (Standard 60.05.20.3.B)
  - D. Pedestrian connections to streets through parking areas should be evenly spaced and separated from vehicles (Standard 60.05.20.3.C through E)
  - E. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standard 60.05.20.3.A through H)
  - F. Pedestrian connections should be designed for safe pedestrian movement and constructed of hard durable surfaces. (Standards 60.05.20.3.F through G)
4. **Street frontages and parking areas.** Landscape or other screening should be provided when surface parking areas are located along public streets. (Standard 60.05.20.4)

## EXHIBIT D

5. **Parking area landscaping.** Landscape islands and a tree canopy should be provided to minimize the visual impact of large parking areas. (Standard 60.05.20.5.A through D)
6. **Street frontages in Multiple Use districts.**
  - A. Surface parking should occur to the side or rear of buildings and should not occur at the corner of two Major Pedestrian Routes. (Standard 60.05.20.6)
  - B. Surface parking areas should not be the predominant design element along Major Pedestrian Routes and should be located on the site to safely and conveniently serve the intended users of the development, without precluding future site intensification. (Standard 60.05.20.6)
7. **Sidewalks along streets and primary building elevations in Multiple Use and Commercial districts.**
  - A. Pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standard 60.05.20.7.A)
  - B. Pedestrian connections should be provided along primary building elevations having building and tenant entrances. (Standard 60.05.20.7.B.)
8. **Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple Use, and Commercial districts.**
  - A. On-site circulation should be easily recognized and identified, and include a higher level of improvements such as curbs, sidewalks, and landscaping compared to parking lot aisles. (Standard 60.05.20.8)
  - B. Long, continuous parking aisles should be avoided if possible, and landscaped as necessary to minimize the visual impact. (Standard 60.05.20.8)
9. **Parking Structures in Multiple-Use Districts.** Active ground floor uses should be incorporated in parking structures, particularly on elevations facing Major Pedestrian Routes. (Standard 60.05.20.9)

## EXHIBIT D

**60.05.45. Landscape, Open Space and Natural Areas Design Guidelines.**  
Unless otherwise noted, all guidelines apply in all zoning districts.

**1. Common Open Space for Residential Uses in Residential Districts**

- A. Common open spaces should be provided that are sized and designed for anticipated users, and are located within walking distance for residents and visitors, and should be integrated into the overall landscape plan. (Standard 60.05.25.1)
- B. Common open spaces should be available for both passive and active use by people of all ages, and should be designed and located in order to maximize security, safety, and convenience. (Standard 60.05.25.1)
- C. Common open spaces should be free from all structural encroachments unless a structure is incorporated into the design of the common open space such as a play structure. (Standard 60.05.25.1)
- D. Common open space should be located so that windows from living areas, excluding bedrooms and bathrooms, of a minimum of four (4) residences face on to the common open space. (Standard 60.05.25.1)

**2. Minimum landscaping in Residential districts.**

- A. Landscape treatments utilizing plants, hard-surface materials, or both should be provided in the setback between a street and a building. The treatment should enhance architectural elements of the building and contribute to a safe, interesting streetscape. (Standard 60.05.25.2.A through C)
- B. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest, and generally increase the attractiveness of a development and its surroundings. (Standard 60.05.25.2.A through C)

**3. Minimum landscaping for conditional uses in Residential districts and for developments in Multiple Use, Commercial, and Industrial Districts.**

## EXHIBIT D

- A. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest and generally increase the attractiveness of a development and its surroundings. (Standard 60.05.25.3.A, B, and D)
  - B. Plazas and common areas designed for pedestrian traffic should be surfaced with a combination of landscape and decorative pavers or decorative concrete. (Standard 60.05.25.3.C)
  - C. Use of native vegetation should be emphasized for compatibility with local and regional climatic conditions. (Standard 60.05.25.3.A and B)
  - D. Existing mature trees and vegetation should be retained and incorporated, when possible, into the site design of a development. (Standard 60.05.25.3.A and B)
  - E. A diversity of tree and shrub species should be provided in required landscaped areas. (Standard 60.05.25.3)
4. **Public Open Space.** Open space available for public use but in private ownership should be accessible to the public, designed for safety, include active, passive or both spaces and improvements, but should not include environmentally sensitive areas. (Standard 60.05.25.4)
5. **Retaining Walls.** Retaining walls over six (6) feet in height or greater than fifty (50) feet in length should be architecturally treated, incorporated into the overall landscape plan, or screened by landscape material. (Standard 60.05.25.5)
6. **Fences and Walls**
- A. Fences and walls should be constructed of attractive, durable materials. (Standard 60.05.25.6)
  - B. Fences and walls constructed in front yards adjacent to public streets should provide the opportunity to view into the setback from the street unless high traffic volumes or other conflicts warrant greater security and protection. (Standard 60.05.25.6)
7. **Changes to existing on-site surface contours at residential property lines.** The perimeters of properties should be graded in a manner to avoid conflicts with abutting residential properties such as

## EXHIBIT D

drainage impacts, damage to tree root zones, and blocking sunlight. (Standard 60.05.25.7)

8. **Integrate water quality, quantity, or both facilities.** Above-ground stormwater detention and treatment facilities should be integrated into the design of a development site and, if visible from a public street, should appear as a component of the landscape design. (Standard 60.05.25.8)

9. **Landscape Buffering and Screening**

- A. A landscape buffer should provide landscape screening, and horizontal separation between different zoning districts and between non-residential land uses and residential land uses. The buffer standards shall not be applicable along property lines where existing natural features such as flood plains, wetlands, riparian zones and identified significant groves already provide a high degree of visual screening. (Standard 60.05.25.9)

- B. When potential conflicts exist between adjacent zoning districts, such as industrial uses adjacent to residential uses, landscape screening should be dense, and the buffer width maximized. When potential conflicts are not as great, such as a commercial zoning district abutting an industrial zoning district, less dense landscape screening and narrower buffer width is appropriate. (Standard 60.05.25.9)

- C. Landscape buffering should consist of a variety of trees, shrubs and ground covers designed to screen potential conflict areas and complement the overall visual character of the development and adjacent neighborhood. (Standard 60.05.25.9)

10. **Natural Areas.** Natural features that are indigenous to a development site, such as streams, wetlands, rock outcroppings, and mature trees should be preserved, enhanced and integrated when reasonably possible into the development plan. (No companion standard)

**60.05.50. Lighting Design Guidelines.** Unless otherwise noted, all guidelines apply in all zoning districts.

1. Lighting should be utilized to maximize safety within a development through strategic placement of pole-mounted, non-pole mounted and bollard luminaires. (Standard 60.05.30.1 and 2)

## EXHIBIT D

2. Pedestrian scale lighting should be an integral part of the design concept except for industrial projects. Poles and fixtures for pole-mounted lighting should be of a consistent type throughout the project. The design of wall-mounted lighting should be appropriate to the architectural design features of the building. (Standard 60.05.30.2)
3. Lighting should minimize direct and indirect glare impacts to abutting and adjacent properties and streets by incorporating lens shields, shades or other measures to screen the view of light sources from residences and streets. (Standard 60.05.30.1 and 2)
4. On-site lighting should comply with the City's Technical Lighting Standards. (Standard 60.05.30.1 and 2)

# EXHIBIT D

## 60.05.55 Major Pedestrian Route Maps.

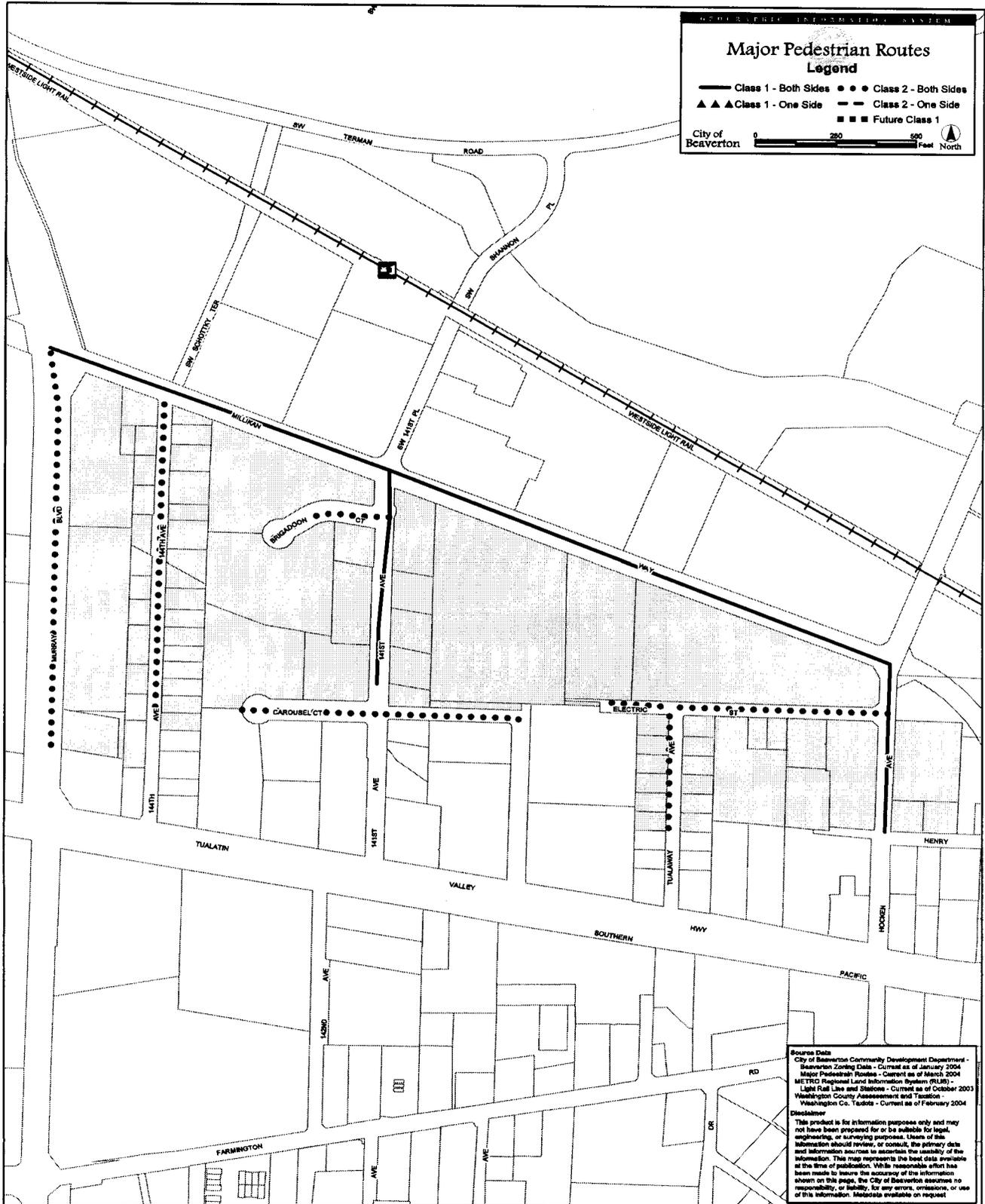
### 1. Regional Center





# EXHIBIT D

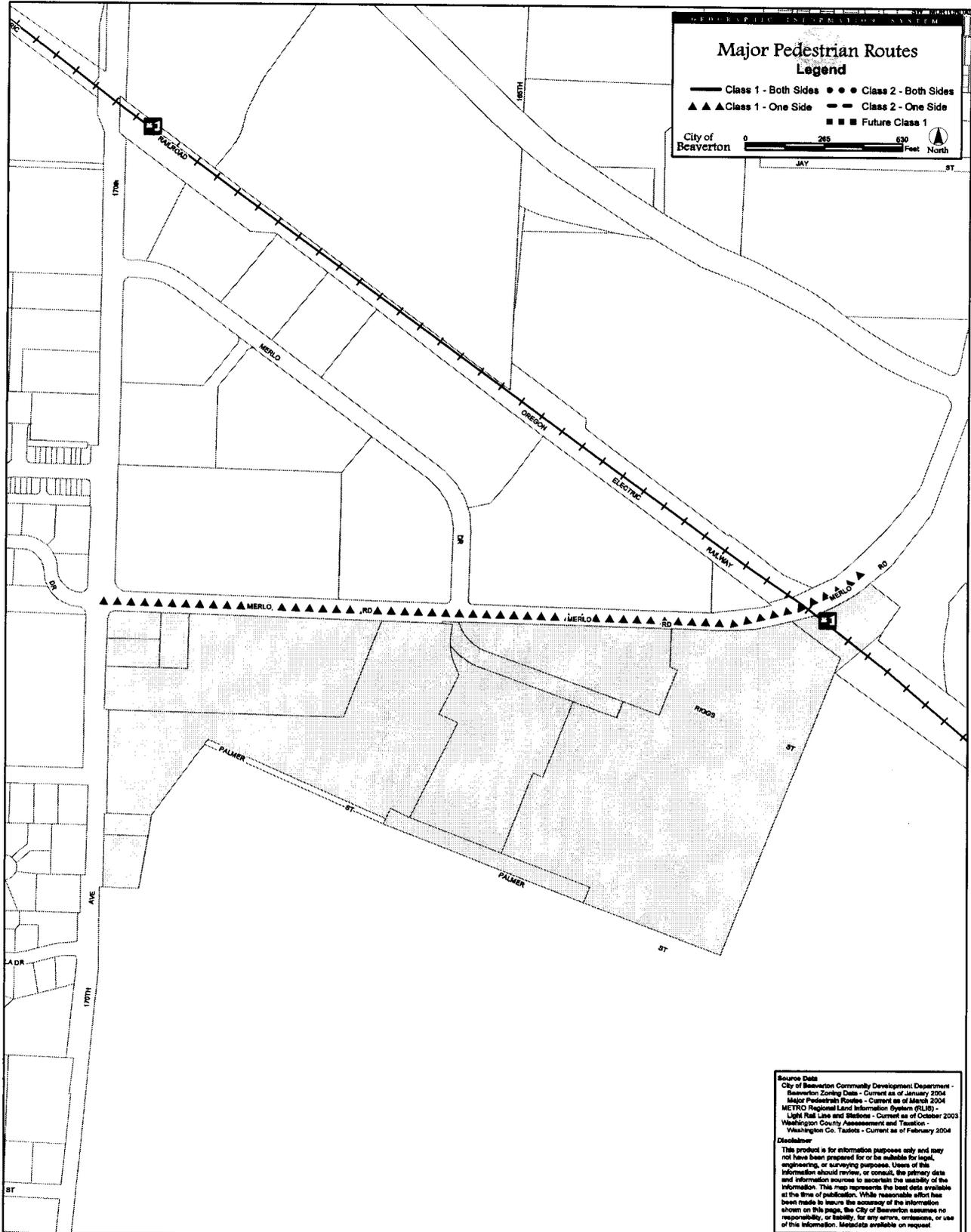
## 3. South Tek Station Community



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# EXHIBIT D

## 4. Merlo Station Community



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**TABLE YYY  
TECHNICAL LIGHTING STANDARDS**

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**TECHNICAL LIGHTING STANDARDS**

**A. Applicability**

**1. Types of Lighting**

The Technical Lighting Standards Section shall apply to bollard luminaire, pole-mounted luminaire, and non-pole-mounted luminaire.

**2. Areas to Be Applied**

The roadways, access drives, parking lots, vehicle maneuvering areas, pathways and sidewalks of all new developments and building entrances shall be lighted in conformance to the standards of this Section. This Section is not intended to apply to public street lighting.

**B. Conformity of Lighting Plans to this Section**

All lighting plans submitted to the City shall comply with the standards of this Section.

**C. Standards**

The following standards are required of all exterior lighting:

1. When a bollard luminaire, or pole-mounted luminaire, or non-pole-mounted luminaire has total cutoff of an angle greater than ninety (90) degrees, the minimum required interior illumination, the maximum permitted illumination at the property line, and the maximum permitted height of Luminaires shall be as shown on Table YYY.
2. When a bollard luminaire, or pole-mounted luminaire, or non-pole-mounted luminaire has total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground, then the minimum permitted interior illumination, the maximum permitted illumination within five (5) feet of any property line, and the maximum permitted height of Luminaires is also shown on Table YYY.

**TABLE YYY  
TECHNICAL LIGHTING STANDARDS**

Zoning District Type	Minimum Required Illumination (internal) in Foot-candles		Maximum Permitted Internal Illumination in Foot-Candles		Maximum Permitted Illumination at property line in Foot-Candles	Maximum Permitted Height of Luminaires
	>90	<90	>90	<90		
Residential	1.0	0.7	TBD	TBD	0.5	Pole-mounted Luminaires (inclusive of above grade base and light fixture): <ul style="list-style-type: none"> <li>◆ 15 feet for on-site pedestrian ways</li> <li>◆ 20 feet for on-site vehicular circulation areas</li> </ul> Wall-mounted Luminaires for the lighting of pedestrian or vehicular circulation areas: <ul style="list-style-type: none"> <li>◆ 20 feet above building finished grade</li> </ul>
Commercial and Industrial	1.5	1.0	TBD	TBD	0.5	Pole-mounted Luminaires (inclusive of above grade base and light fixture): <ul style="list-style-type: none"> <li>◆ 15 feet for on-site pedestrian ways</li> <li>◆ 30 feet for on-site vehicular circulation areas</li> <li>◆ 15 feet for the top deck of non-covered parking structures</li> </ul> Wall-mounted Luminaires for the lighting of pedestrian or vehicular circulation areas: <ul style="list-style-type: none"> <li>◆ 15 feet above building finished grade for on-site pedestrian circulation areas</li> <li>◆ 30 feet above building finished grade for on-site vehicular circulation areas</li> </ul>

**TABLE YYY  
TECHNICAL LIGHTING STANDARDS**

Zoning District Type	Minimum Required Illumination (internal) in Foot-candles		Maximum Permitted Internal Illumination in Foot-Candles		Maximum Permitted Illumination at property line in Foot-Candles	Maximum Permitted Height of Luminaires
	>90	<90	>90	<90		
Multiple Use:			TBD	TBD	0.5 (all)	Pole-mounted Luminaires (inclusive of above grade base and light fixture): <ul style="list-style-type: none"> <li>◆ 15 feet for on-site pedestrian ways for residential only, multiple use with residential, multiple use non-residential development and non-multiple use/non-residential development</li> <li>◆ 20 feet for on-site vehicular circulation areas for residential only and multiple use with residential</li> <li>◆ 30 feet for on-site vehicular circulation areas for multiple use non-residential development and non-multiple use/non-residential development</li> <li>◆ 15 feet for the top deck of non-covered parking structures ways for residential only, multiple use with residential, multiple use non-residential development and non-multiple use/non-residential development</li> </ul> Wall-mounted Luminaires for the lighting of pedestrian or vehicular circulation areas: <ul style="list-style-type: none"> <li>◆ 20 feet above building finished grade for residential only and multiple use with residential</li> <li>◆ 15 feet above building finished grade for multiple use non-residential development and non-multiple use/non-residential development</li> </ul>
residential only		0.7				
multiple use with residential		0.7				
multiple use non-residential development	1.5	1.0				
non-multiple use/non-residential development	1.5	1.0				

**TABLE YYY  
TECHNICAL LIGHTING STANDARDS**

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2. Exemption for Specified Public Outdoor Recreation Uses:
- A. Because of their unique requirements for nighttime visibility, public ball diamonds, public playing fields, and public tennis courts only, inclusive of facilities located on school district properties, are exempted from the exterior lighting standards of Sections 1 through 2 above. These outdoor recreational uses must meet all other requirements for this Section and of the Code.
  - B. The outdoor recreational uses specified above shall not exceed a maximum permitted post height of eighty (80) feet.
  - C. The outdoor recreational uses specified above may exceed a total cutoff angle of ninety (90) degrees, provided that the luminaire is shielded to prevent light and glare spillover to adjacent properties. The maximum permitted illumination at the property line or, if required, the interior buffering line, shall not exceed two (2) foot-candles.
  - D. **General Provisions**

Notwithstanding any other provision of this Section to the contrary:

**Design Standards for Residential, Commercial, Industrial and Multiple-Use Districts:**

- 1. No flickering or flashing lights shall be permitted.
- 2. No bare bulb lights shall be permitted for single-family attached development and multi-family attached development.
- 3. No strobe lights shall be permitted.
- 4. Light sources or Luminaires shall not be located within areas identified for screening or buffering except on pedestrian walkways.

**Special Design Standard for Residential Districts**

- 1. No exterior neon lights shall be permitted.

**Special Design Standard for Commercial and Multiple-Use Districts**

- 1. Exterior neon lights shall only be permitted when incorporated into the architectural design of a building.

**TABLE XXX**

District of Development	Minimum Landscape Buffer Requirements Between Contrasting Districts										
	Location	Urban Low (R-10)	Urban Standard (R-7, R-5)	Urban Medium (R-4, R-3.5, R-2)	Urban High Density (R-1)	Commercial (CS, CV, GC, NS, OC)	Industrial (CI, IP, LI)	Station Area (SA-MU, SA-HDR)	Station Community (SC-MU, SC-HDR, SC-E)	Town Center (TC-MU, TC-HDR)	Regional Center (RC-OT, RC-TO, RC-E)
Urban Low (R-10)	Abutting	CU	5'/B1 CU	10'/B2 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU
	Across Street	N/A	5'/B1 CU	5'/B1 CU	10'/B1 CU	10'/B1 CU	10'/B1 CU	5'/B2 CU	5'/B2 CU	5'/B2 CU	5'/B2 CU
Urban Standard (R-7, R-5)	Abutting	5'/B1 CU	N/A	10'/B2 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU
	Across Street	5'/B1 CU	N/A	5'/B1 CU	10'/B1 CU	10'/B1 CU	10'/B1 CU	10'/B2 CU	5'/B2 CU	5'/B2 CU	5'/B2 CU
Urban Medium (R-4, R-3.5, R-2)	Abutting	10'/B2 CU/R-4	10'/B2 CU/R-4	N/A	10'/B2 CU/R-4	20'/B3	20'/B3	10'/B2	10'/B2	10'/B2	10'/B2
	Across Street	5'/B1	5'/B1	N/A	5'/B1	10'/B1	10'/B1	5'/B2	5'/B2	5'/B2	5'/B2
Urban High Density (R-1)	Abutting	20'/B3	20'/B3	10'/B2	N/A	20'/B3	20'/B3	10'/B1	10'/B1	10'/B1	10'/B1
	Across Street	10'/B1	10'/B1	5'/B1	N/A	10'/B1	10'/B1	5'/B1	5'/B1	5'/B1	5'/B1
Commercial (CS, CV, GC, NS, OC)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	N/A	10'/B3	5'/B2	5'/B2	5'/B2	5'/B2
	Across Street	10'/B1	10'/B1	5'/B1	5'/B1	N/A	5'/B1	5'/B1	5'/B1	5'/B1	5'/B1

**TABLE XXX**

District of Development	Minimum Landscape Buffer Requirements Between Contrasting Districts										
	Location	Urban Low (R-10)	Urban Standard (R-7, R-5)	Urban Medium (R-4, R-3.5, R-2)	Urban High Density (R-1)	Commercial (CS, CV, GC, NS, OC)	Industrial (CI, IP, LI)	Station Area (SA-MU, SA-HDR)	Station Community (SC-MU, SC-HDR, SC-E)	Town Center (TC-MU, TC-HDR)	Regional Center (RC-OT, RC-TO, RC-E)
Industrial (CI, IP, LI)	Abutting	20'/B3	20'/B3	20'/B3	20'/B3	10'/B3	N/A	20'/B3	20'/B3	20'/B3	20'/B3
	Across Street	10'/B2	10'/B2	10'/B2	10'/B2	5'/B2	N/A	10'/B2	10'/B2	10'/B2	10'/B2
Station Area (SA-MU, SA-HDR)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	10'/B3	20'/B3	N/A	10'/B2	10'/B2	10'/B2
	Across Street	10'/B2	10'/B2	5'/B2	5'/B2	5'/B2	10'/B2	N/A	5'/B1	5'/B1	5'/B1
Station Community (SC-MU, SC-HDR, SC-E)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	10'/B3	20'/B3	10'/B2	N/A	10'/B2	10'/B2
	Across Street	10'/B2	10'/B2	5'/B2	5'/B2	5'/B2	10'/B2	5'/B1	N/A	5'/B1	5'/B1
Town Center (TC-MU, TC-HDR)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	10'/B3	20'/B3	10'/B2	10'/B2	N/A	10'/B2
	Across Street	10'/B2	10'/B2	5'/B2	5'/B2	5'/B2	10'/B2	5'/B1	5'/B1	N/A	5'/B1
Regional Center (RC-OT, RC-TO, RC-E)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	10'/B3	20'/B3	10'/B2	10'/B2	10'/B2	N/A
	Across Street	10'/B2	10'/B2	5'/B2	5'/B2	5'/B2	10'/B2	5'/B1	5'/B1	5'/B1	N/A

# EXHIBIT D

## NOTES:

1. 5' / 10' / 20' = Buffer Width
2. B1 / B2 / B3 = Buffer Standard
3. N/A = Not Applicable
4. CU = Conditional Use
  
5. Buffering requirements are not in addition to building setback requirements.
  
6. \*Buffering requirements for Urban Low & Urban Standard and the R-4 zoning district in Urban Medium shall only be applied when a Conditional Use (CU) is proposed.
  
7. A minimum 20 foot buffer developed to a B3 standard is required for non-residential land uses and parks in residential zoning districts. Parks in all other zoning districts shall observe the minimum buffer standard specified in the buffer matrix.

**Section 2: The Development Code, Ordinance No. 2050, Chapter 60 - Special Regulations, Section 60.05. Drive-Up Window Facilities, will be renumbered to 60.07. Subsection .10, will be amended to read as follows:**

**60.07.10 Standards.** The decision making authority shall review proposed drive-up window facilities to determine that the following standards are addressed in the design:

1. Drive-through uses shall be located so that access and egress to the drive-through features are from an on-site drive aisle or other on-site circulation facility, not a public street.

\*\*\*\*\*

Subsequently listed standards will be renumbered to reflect the addition of the new standard number 3.

# EXHIBIT D

**Section 3: The Development Code, Ordinance No. 2050, Chapter 60 - Special Regulations, Section 60.15.10., will be amended to read as follows:**

## **60.15.10. General Provisions.**

\*\*\*\*\*

- 3. Improvement Requirements.** The improvements that are reasonably related and roughly proportional to the impacts of the proposed development that shall be installed at the expense of the developer are as follows:

\*\*\*\*\*

### **I. Pedestrian Circulation.**

- 1. Walkways are required between parts of a site where the public is invited or allowed to walk.**
- 2. A walkway into the site shall be provided for every 300 feet of street frontage. A walkway shall also be provided to any accessway abutting the site.**
- 3. Walkways shall connect building entrances to one another and from building entrances to adjacent public streets and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bicycle facilities, alleyways and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institution or park use. The City may require connections to be constructed and extended to the property line at the time of development.**
- 4. Walkways shall be reasonably direct between pedestrian destinations and minimize crossings where vehicles operate.**
- 5. Walkways shall be paved and shall maintain at least four feet of unobstructed width. Walkways bordering parking spaces shall be at least seven feet wide unless concrete wheel stops, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Stairs or ramps shall be provided where necessary to provide a reasonably**

## EXHIBIT D

direct route. The slope of walkways without stairs shall conform to City standards.

6. The Americans with Disabilities Act (ADA) contains different and stricter standards for some walkways. The ADA applies to the walkway that is the principal building entrance and walkways that connect transit stops and parking areas to building entrances. Where the ADA applies to a walkway, the stricter standards of ADA shall apply.

7. On-site walkways shall be lighted to an average 0.5 foot-candle level. Lighting shall have cut-off fixtures so that no glare is emitted beyond the property line or onto the public right of way.

J. I. Other improvements reasonably related to the impacts of the development which may be required in rough proportion to the impacts of the proposed development at the partial or total expense of the developer.

\*\*\*\*\*

K. J. Street Lights. Street lights shall be installed in accordance with City standards.

L. K. Curb cuts and driveway installations are not required of the developer but, if installed, shall comply with City standards.

\*\*\*\*\*

### 5. Grading.

A. When grading a site within twenty-five (25) feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe the following:

1. 0 to 5 feet from property line. Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.

## EXHIBIT D

2. More than 5 feet and up to and including 10 feet from property line. Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
3. More than 10 feet and up to and including 15 feet from property line. Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
4. More than 15 feet and up to and including 20 feet from property line. Maximum of eight (8) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
5. More than 20 feet and up to and including 25 feet from property line. Maximum of ten (10) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.

B. Notwithstanding the requirements of subsection A.1. above, grading within 25 feet of a property line shall not change the existing slopes by more than ten percent within a tree root zone of an identified significant grove or tree, or an identified historic tree located on an abutting property unless evidence provided by a certified arborist supports additional grading that will not harm the subject grove or tree. For the purpose of this standard, the tree root zone extends the same distance from a tree trunk as the tree canopy.

\*\*\*\*\*

**Section 4: The Development Code, Ordinance No. 2050, Chapter 60 - Special Regulations, Section 60.20., will be amended to read as follows:**

### **60.20. MOBILE AND MANUFACTURED HOME REGULATIONS**

\*\*\*\*\*

#### **60.20.10. Mobile Home Subdivisions.**

\*\*\*\*\*

## EXHIBIT D

- H. The mobile home shall have a roof with a minimum slope of sixteen percent (16%) (2:12), and have composite or shake roof, or other roofing materials approved by the Director Design Review.

\*\*\*\*\*

### 60.20.15. Mobile Home Park Regulations.

1. Mobile home parks are permitted uses in the R-5 zone. They are conditional uses in the R-2 zone, subject to Section 40.15 (ORD 3739). Density for the mobile home parks shall be compatible with the zone in which they are located and calculated according to Chapter 90. Mobile home parks shall be subject to the following standards:
  - ~~A.~~ ~~The design for the proposed mobile home park shall be submitted to the Director. The design for the proposal shall include all documents specified in Section 40.20.15.2. and 3. The Director shall coordinate and assemble, through the Facilities Review process, the reports and data submitted by the applicant, affected City departments and any governmental agency having an interest in the proposal.~~
  - ~~B.~~ ~~The Board of Design Review shall review the design of the proposed mobile home park and make the necessary recommendations as authorized by Section 40.20. of this ordinance.~~
  - A. C. The design for the mobile home park shall conform to all applicable State standards established by the State of Oregon, Department of Commerce mobile home park standards (effective - February 1, 1979).
  - B. D. All mobile homes shall have an Oregon insignia. (ORD 3739) No reconstruction or equipment installation shall be made to a mobile home unless it has been approved by the State as evidenced by the appropriate insignia.
  - C. E. The mobile home park shall occupy at least one acre.
  - D. F. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by State Law.
  - E. G. Each mobile home shall be connected to a public water supply and sewer disposal system.

## EXHIBIT D

- F. H.** A mobile home and any attached accessory structure shall not be located closer than:
1. Fifteen (15) feet from any other mobile home.
  2. Ten (10) feet from any detached accessory building or other building located within the mobile home park.
  3. Five (5) feet from a mobile home park property line.
- G. I.** Except for a structure which conforms to the State definition of a mobile home accessory structure, no extension shall be attached to a mobile home.
- H. J.** Mobile homes shall be installed under the provisions of the administrative rules adopted by the Oregon Department of Commerce (adopted February 1, 1979).
- I. K.** A mobile home shall have continuous perimeter skirting installed pursuant to State regulations. Skirting shall be of the same material and finish as the exterior of the mobile home or otherwise approved by the ~~Director~~ **Board of Design Review**.
- J. L.** Except for non-conforming mobile homes as described in 2., below, a mobile home shall contain a minimum floor area of 800 square feet of gross floor area. The size shall exclude the tongue of the mobile home.
- K. M.** The wheels, tongue and traveling lights of the mobile home shall be removed.
- L. N.** The underside of the floor area shall be a minimum of 18 inches above ground level at any point.
- M. O.** The internal street system shall conform to the standards specified by the City Engineering Design Manual and Standard Drawings. [ORD 4224; August 2002]
- N. P.** ~~Minimum front yard~~ **Setbacks** for a mobile home park property shall be the same as the zone in which it is located. ~~Side and rear yard setbacks shall be approved by the Board of Design Review as appropriate to the design of the park and to protect adjacent properties.~~

## EXHIBIT D

- ~~O. Q.~~ Landscaping shall be equivalent to 15% of the area of the park or as otherwise required by the Board of Design Review.

\*\*\*\*\*

**Section 5: The Development Code, Ordinance No. 2050, Chapter 60 - Special Regulations, Section 60.30.20., will be amended to read as follows:**

### **60.30.20 Off-Street Parking Lot Construction**

- ~~1.~~ Every parcel of land hereafter developed for use as a parking area shall conform to ~~the following requirements and~~ the requirements of the *Engineering Design Manual and Standard Drawings*. (ORD 3293; November 1982)
- ~~A.~~ For other than single detached dwelling development, parking areas shall be reviewed as per Section 40.20.15. (ORD 3739) [ORD 4224; August 2002]
- ~~B.~~ Parking areas for more than five vehicles shall be effectively screened from public right of way and surrounding property by a fence, hedge, or planting. Screening shall meet City visibility standards.

\*\*\*\*\*

**Section 6: The Development Code, Ordinance No. 2050, Chapter 60 - Special Regulations, Section 60.40., will be amended to read as follows:**

- 60.40.15. Signs Subject to Ordinance Regulation - No Permit Required.** No permit is necessary before placing, constructing or erecting the following signs; however, such signs shall conform to the regulations as specified.

\*\*\*\*\*

6. **Banners.** One (1) banner will be allowed either from the date of issuance of building permits until four (4) weeks after issuance of certificates of occupancy, or if no building permit is issued, for four (4) weeks from occupancy of a new business. One banner shall be allowed for multi-family developments, ~~processed as any Design Review action as determined by Section 40.20.15.~~ Such banners shall be allowed for no more than four (4) weeks after the final certificate of occupancy for the project. (ORD 3726)

## EXHIBIT D

All banners shall be affixed to exterior wall(s) of the building so as to lie flat. Banners shall not exceed thirty-two (32) square feet in size. [ORD 4139; January 2001]

\*\*\*\*\*

**60.40.35. Commercial, Industrial, and Multiple Use Zones.** In commercial, industrial, and multiple use zones, as defined in Sections 20.10, 20.15, and 20.20, the following regulations apply: [ORD 4111; June 2000]

\*\*\*\*\*

3. Freestanding Sign. Freestanding signs as defined in Chapter 90 shall be allowed per business establishment or tax lot, whichever is less. Tax lots created by fee simple land division and contiguous tax lots under the one ownership shall be considered one tax lot for the purposes of calculating the number of freestanding signs allowed. (ORD 3494) [ORD 4058, August 1999]

\*\*\*\*\*

K. Master Sign Program. For developments containing three or more businesses, a master sign program may be proposed by the property owner. ~~required by the Board of Design Review. The decision to require a master sign plan shall be made at the time the development is reviewed by the Board.~~ Master sign programs shall contain the proposed colors, lettering styles, sizes and the location of wall and freestanding signs for tenants in the development. The general allowance of twenty percent (20%) of exterior wall area for wall signs will be used with the allowable square footage divided among lessees ~~in a manner approved by the Board of Design Review.~~ It shall be the responsibility of the development to administer and control any aspect of a master sign program that is more restrictive than the City's sign regulations. Individual business signs which are part of a master sign program are subject to the permit application process. (ORD 3494) [ORD 4139; January 2001]

\*\*\*\*\*

**60.40.45. Nonconforming Signs.**

\*\*\*\*\*

## EXHIBIT D

3. Extension for Conformance.
- A. ~~The Board of Design Review~~ Director through Section 40.25 (Director's Interpretation) may authorize an extension of no more than one (1) year where it can be shown that special and unusual circumstances related to a specific piece of property make application of the conformance schedule an undue hardship. This hardship shall not result from the actions of the applicant and shall not merely constitute pecuniary hardship or inconvenience.
- B. ~~The Board of Design Review~~ Director through Section 40.25 (Director's Interpretation) ~~shall~~ may authorize an exemption from the conformance schedule when it can be shown that the sign is within ten percent (10%) of the combined required size and height limitations of this ordinance. (ORD 3374)

\*\*\*\*\*

**Section 7 The Development Code, Ordinance No. 2050, Chapter 60 - Special Regulations, Section 60.50.25.2., will be amended to read as follows:**

**60.50.25. Uses Requiring Special Regulation.** In addition to other standards and requirements by this ordinance, all uses included in this section shall comply with the provisions stated herein. Should a conflict arise between the requirements of this section and other requirements of this ordinance, the more restrictive provision shall control.

\*\*\*\*\*

2. Animal Hospitals. An animal hospital shall not be located within 100 feet of a lot in any Residential District. The applicant ~~as an additional requirement of the Design Review process~~ shall provide information which describes the measures and controls to be taken that are intended to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.

\*\*\*\*\*

# EXHIBIT D

**Section 8: The Development Code, Ordinance No. 2050, Chapter 60 - Special Regulations, Section 60.55.25., will be amended to read as follows:**

**60.55.25. Streets and Bicycle and Pedestrian Connection Requirements.**

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9. Accessways are one or more connections that provide bicycle and pedestrian passage between streets or a street and a destination. Accessways shall be provided as required by this Code and where full street connections are not possible due to conditions described in 60.55.25.13.

\*\*\*\*\*

- A. Accessways shall be provided as follows:

\*\*\*\*\*

- B. Accessway Design Standards.

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~~3. Accessways through parking lots shall be physically separated from adjacent vehicle parking and parallel vehicle traffic through the use of curbs, landscaping, trees, and lighting, if not otherwise provided in the parking lot design.~~

~~4. Accessways shall be lighted either by street lights on adjacent streets or by pedestrian scale lighting to a minimum level of 0.5 foot candle along the connection. Lighting shall have cut-off fixtures so that no glare is emitted beyond the pedestrian connection and onto adjacent properties.~~

- ~~10. Internal Pedestrian Circulation.~~

~~A. All development in commercial and multiple use zoning districts and other development for which a conditional use approval is required, shall provide a system of internal pedestrian connections that encourages safe and convenient pedestrian movement within the site. Internal pedestrian connections shall also link the site with the public street sidewalk system.~~

**113**

## EXHIBIT D

~~B. Walkways are required between parts of a site where the public is invited or allowed to walk. Walkways are required as part of office/warehouse and retail/warehouse combinations. Walkways are not required between buildings or portions of a site such as truck loading docks and warehouses that are not intended or likely to be used by pedestrians. [ORD 4224; August 2002]~~

~~1. Location: A walkway into the site shall be provided for every 300 feet of street frontage or for every eight aisles of vehicle parking if parking is located between the building and the street. A walkway shall also be provided to any accessway abutting the site. [ORD 4224; August 2002]~~

~~2. Connections: Walkways shall connect building entrances to one another and from building entrances to adjacent public streets and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bicycle facilities, alleyways and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institution or park use. The City may require connections to be constructed and extended to the property line at the time of development.~~

~~3. Routing: Walkways shall be reasonably direct. Driveway crossings shall be minimized. Internal parking lot circulation and design shall provide reasonably direct access for pedestrians from streets and transit stops.~~

~~4. Design: Walkways shall be paved and shall maintain at least four feet of unobstructed width. Walkways bordering parking spaces shall be at least seven feet wide unless concrete wheel stops, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Stairs or ramps shall be provided where necessary to provide a reasonably direct route. The slope of walkways without stairs shall conform to City standards. Walkways shall be differentiated from parking areas and circulation aisles by grade, different paving material, landscaping or other similar method.~~

~~5. ADA Compliance: The Americans with Disabilities Act (ADA) contains different and stricter standards for some walkways. The ADA applies to the walkway that is the~~

## EXHIBIT D

~~principal building entrance and walkways that connect transit stops and parking areas to building entrances. Where the ADA applies to a walkway, the stricter standards of ADA shall apply.~~

6. ~~Lighting: On-site walkways shall be lighted to an average 0.5 foot candle level. Lighting shall have cut-off fixtures so that no glare is emitted beyond the property line or onto the public right of way.~~

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**Section 9: The Development Code, Ordinance No. 2050, Chapter 60 – Special Regulations, Section 60.55.40., will be amended to read as follows:**

### **60.55.40. Transit Facilities.**

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1. **Transit Shelters.** All transit shelters and sidewalk furniture shall meet the following standards.
  - A. The proposal is located entirely within the existing public right-of-way, public access easement, or property owned by a public agency.
  - B. The proposal maintains an unobstructed path of travel of no less than six feet (6') unless a greater unobstructed path is required by this code for a specific sidewalk.
  - C. The proposal is not located within eight feet (8') of a point of ingress or egress of an existing structure.
  - D. The proposal is not located within a vision clearance area for a street, driveway, or other facility where vehicles regularly travel.
  - E. The proposal is not located within twelve feet (12') of a window display area.
  - F. The proposal does not consist of solid panels other than what is required to post transit schedules.

## EXHIBIT E

**Section 1:** The Development Code, Ordinance No. 2050, Chapter 90 – Definitions, will be amended to add the following terms:

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**Architectural Treatment.** Architectural treatment shall include, but is not limited to, scoring, changes in material texture, and the application of other finish materials such as wood, rock, brick or tile wall treatment.

\*\*\*\*\*

**Bollard Luminaires.** A luminaire that is attached to or incorporated into the design of bollards and are primarily used for the lighting of non-vehicular circulation areas, including but not limited to pedestrian pathways and bicycle pathways.

\*\*\*\*\*

**Candle Power.** The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot candle. Maximum (peak) candle power is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

\*\*\*\*\*

**Cutoff.** The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cutoff) at a specific angle above the ground.

**Cutoff angle.** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

**Cutoff-type luminaire.** A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

\*\*\*\*\*

**Double wall construction.** Where an interior wall is separated from the exterior wall with framing. The exterior wall has plywood bracing weather proofed with an exterior finishing material such as but not limited to lap siding, brick, or metal.

\*\*\*\*\*

## EXHIBIT E

**Emergency work.** The definition of this term, as it applies to the Transportation Facilities application, is located in the *Engineering Design Manual and Standard Drawings*.

\*\*\*\*\*

**Feature roof.** A roof which is a unique roof form calling attention to a particular part of a building such as an entrance, building corners, a steeple, a cupola, or other similar focal points of a building.

\*\*\*\*\*

**Foot-candle.** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of (1) candle.

\*\*\*\*\*

**Glare.** The brightness of a light source, which may cause eye discomfort.

\*\*\*\*\*

**Luminaire.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

\*\*\*\*\*

**Maintenance.** The definition of this term, as it applies to the Transportation Facilities application, is located in the *Engineering Design Manual and Standard Drawings*.

\*\*\*\*\*

**Maximum permitted illumination.** The maximum illumination measured in foot-candles at the property line or, if required, at the interior buffering line at ground level.

\*\*\*\*\*

**Minimum Permitted Illumination.** The minimum permitted illumination measured in foot-candles within the interior of a site to provide adequate illumination for public safety purposes.

\*\*\*\*\*

## EXHIBIT E

**Natural areas.** Natural areas may include, but are not limited to, wetlands, riparian areas, Significant Natural Resource Areas, and significant groves of trees.

\*\*\*\*\*

**Non-Pole-Mounted Luminaires.** Non-pole mounted Luminaires consists of Luminaires vertically or horizontally attached to building or structural wall elevations, soffit Luminaires, recessed Luminaires, access Luminaires, and ground-mounted Luminaires.

\*\*\*\*\*

**Open Space, Active.** Open space where human activities include recreational and social opportunities such as play fields, playgrounds, swimming pools, plazas and other recreational facilities.

**Open Space, Passive.** Open space where human activities are limited to defined walking and seating areas. Does not include environmentally sensitive areas such as a wetland.

\*\*\*\*\*

**Permanent Architectural Features.** Permanent architectural features include, but are not limited to windows, bays and offsetting walls that extend at least eighteen inches (18"), recessed entrances, loading doors and bays, and changes in material types.

\*\*\*\*\*

**Pole-Mounted Luminaires.** Luminaires that are attached to a vertical pole to provide illumination in non-vehicular and vehicular circulation areas.

\*\*\*\*\*

**Primary entrance.** A building entry where a majority of building users, including employees, customers and visitors, enter the structure. A primary entry is typically differentiated from other entries by weather protection, directional signage, special features such as lobbies, reception areas, and other semi-public interior spaces designed to receive building users.

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## EXHIBIT E

**Public view.** As it is applied to Design Review issues, this term is a viewpoint from a public area such as a sidewalk, right of way, public plaza, etc. measured from the closest point to the subject of the view, five (5) feet above the grade of the viewpoint. A subject is not visible from a viewpoint unless there is a direct, unobstructed line of sight between the viewpoint and subject.

\*\*\*\*\*

**Repair and Replacement.** The definition of both of these terms, as it applies to the Transportation Facilities application, is located in the *Engineering Design Manual and Standard Drawings*.

\*\*\*\*\*

**Secondary entrance.** A building entry designed for limited use by building users, such as employee-only access. A secondary entry is typically not used by the public or building visitors.

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